



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
1600 HENDERSON AVENUE SUITE 238
MCRD SAN DIEGO, CALIFORNIA 92140-5001

DepO P5400.29C
5C
OCT 29 2003

DEPOT ORDER P5400.29C

From: Commanding General
To: Distribution List

Subj: LAW ENFORCEMENT REGULATIONS

Ref: (a) MCO 1630.4A
(b) Manual for Courts-Martial
(c) MCO 5110.1C
(d) State of California Vehicle Code
(e) MCO 5580.2
(f) MCO P5300.12A
(g) SECNAVINST 5822.1A
(h) MCO 5510.15A
(i) DoD Directive 1344.7
(j) SECNAVINST 1740.2D
(k) MCO 1620.2C
(l) MCO 5100.19E
(m) SECNAVINST 5580.1

Encl: (1) LOCATOR SHEET

1. Situation. To promulgate law enforcement regulations for Marine Corps Recruit Depot (MCRD) San Diego per the references.

2. Cancellation. DepO P5400.29B, DepO 5500.10D, DepO 5500.11B, DepO 5510.9H, DepO 5560.11C and DepO 5830.1B.

3. Mission. The regulations published in this Manual shall be complied with by all units and persons attached to, stationed at, residing, or employed within the limits of MCRD, San Diego.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Manual updates Military Police (MP) operational procedures and functions aboard the Depot.

(2) Concept of Operations. This Manual contains a substantial number of changes, new procedures, incorporates DepO 5500.10D, DepO 5500.11B, DepO 5510.9H, DepO 5560.11C and DepO 5830.1B and must be completely reviewed.

DepO P5400.29C

OCT 29 2003

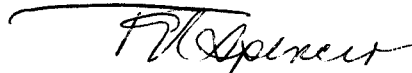
b. Subordinate Element Missions. All units aboard MCRD will comply with law enforcement regulations contained in this Manual.

5. Administration and Logistics. This is a punitive order enforced under the Uniform Code of Military Justice (UCMJ).

6. Command and Signal

a. Command. This Manual is applicable to MCRD and WRR.

b. Signal. This Manual is effective on the date signed.


T. W. SPENCER
Chief of Staff

DISTRIBUTION: A

OCT 29 2003

LOCATOR SHEET

Subj: LAW ENFORCEMENT REGULATIONS

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LAW ENFORCEMENT REGULATIONS

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporating Change

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LAW ENFORCEMENT REGULATIONS

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AUTHORITY AND JURISDICTION

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LAW ENFORCEMENT REGULATIONS

CHAPTER 1

AUTHORITY AND JURISDICTION

1000. GENERAL. The Provost Marshal's Office (PMO) operates under the authority of the CG, MCRD, San Diego, the U.S. Navy Regulations, and the Marine Corps Manual in all matters pertaining to security and law enforcement.

1001. REPORTING RESPONSIBILITY. It is the responsibility of every officer and noncommissioned officer to be familiar with these regulations and, per reference (a), to report all offenses which occur aboard any section of the Depot, including housing, to the Provost Marshal. If the offense requires referral to another agency for investigation, the Provost Marshal will make the referral per current directives.

1002. OBEDIENCE TO MP. All persons, regardless of rank, will obey the orders of the MP. Should any doubt exist as to the validity or propriety of any order given by the MP, it will be complied with and the matter referred to the Provost Marshal or the Depot Officer of the Day (DOOD) as appropriate. MP include all persons assigned law enforcement duties by the Provost Marshal.

1003. INTERFERENCE WITH MP. No person will restrict, impede, or otherwise interfere with MP or MP Investigators in the performance of law enforcement duties.

1004. AUTHORITY TO ORDER SEARCHES

1. Per reference (b), Rule 315, Military Rules of Evidence (MRE), the CG has authority to authorize searches of:

a. Property, under his cognizance, owned or controlled under the jurisdiction of the United States;

b. All property, under his cognizance located in an area under the jurisdiction of, and owned, used, or occupied by persons subject to military law.

2. In the event the CG is unavailable, this authority resides with the Chief of Staff. Questions pertaining to property being subject to the authority of the CG shall be referred to the Staff Judge Advocate (SJA) before a search is authorized.

3. The above delegation of authority is not to be construed as imposing any limitations or restrictions on searches conducted by subordinate

commanders, officers in charge, or tenant commanders within areas under their control; or other legal searches outlined in reference (b), MRE 312-317.

1005. RANDOM VEHICLE INSPECTIONS

1. MP will conduct random vehicle inspections under reference (b), MRE 313, to ensure the safety and security of the Depot. Specially trained detector dogs are authorized to participate in these inspections.

2. Active duty military personnel, retirees, military family members, and civilian employees working aboard the Depot must, as a condition of their access to this base, submit to random vehicle inspections and searches or face administrative and/or disciplinary action.

3. Non-DoD civilians may refuse to submit to a vehicle search or inspection when entering MCRD, but this may preclude their access to the Depot. Once aboard the Depot, however, all vehicles are subject to the CG's inspection and search policy.

4. All packages, lunch boxes, purses/handbags, tool kits, bundles, or containers of any kind carried by persons entering/departing the Depot are subject to search and may be opened by the MP for inspection upon entering or departing the Depot.

5. Procedures for searching and inspecting vehicles

a. The PM will prepare, and submit to the CG, a plan for conducting random vehicle inspections and searches, e.g., every tenth vehicle, location, time, etc. The PM will ensure the designated vehicle inspection area is convenient and easily accessible within the Depot's perimeter and that an MP officer or staff noncommissioned officer is present to supervise all selection and inspection procedures.

b. In the event that illegal substances, contraband, etc., are discovered, the occupants of the vehicle will be detained and the vehicle will be thoroughly searched in the operator's presence, and in accordance with prescribed methods. Vehicles found to contain illegal substances, contraband, etc., may be impounded per this Manual.

c. If the vehicle inspection area becomes congested, the MP will modify or suspend the vehicle inspection process and allow all incoming vehicles to enter MCRD without undergoing the inspection. As soon as congestion eases in the inspection area, the MP will resume the inspection process.

d. In the event of unavoidable interruptions and/or breaks in the inspection procedure, (e.g., revitalization of the military working dogs, awaiting additional MPs, etc.), the established, sequential vehicle count process will continue, and vehicles selected for inspections will be required to wait until the inspection has resumed.

6. Drivers of commercial vehicles will present to the MP, upon request, a shipping document, bill of lading, or other appropriate document that identifies the contents of the vehicle.

1006. JURISDICTION

1. Jurisdiction Defined. For purposes of this Manual, jurisdiction is defined as the authority by which courts and judicial officers take cognizance of matters within the boundaries of the Depot.

2. Partial Jurisdiction Defined. The term "partial jurisdiction" means that the state has retained certain regulatory powers over a geographical area but that criminal matters are exclusively within the jurisdiction of the federal government. For purposes of violations of criminal law, the terms "partial jurisdiction" and "exclusive jurisdiction" are synonymous. Only federal law enforcement officers may investigate crimes or make arrests in such areas and only federal courts may try individuals accused of committing crimes in these areas. Within the operational area of MCRD San Diego, the northernmost boundary is defined by the fence running parallel along Pacific Coast Highway from Gate 5 at Washington Street to Gate 1 on Barnett Avenue. The eastern and southern boundaries are defined by the fence line that separates San Diego International Airport.

1007. DETENTION OF CIVILIANS

1. MP are authorized to detain person(s) not subject to the UCMJ when they are within the confines of the Depot and there exists a reasonable belief that the person(s) has committed a crime. The person will be detained only as long as it is necessary to notify and ascertain disposition instructions from the appropriate personnel. All civilians including retired military and military family members of retired and active duty military are subject to federal and state law under Title 18 U. S. Code Section 13 (Assimilative Crimes Act) while aboard the Depot.

LAW ENFORCEMENT REGULATIONS

CHAPTER 2

TRAFFIC LAW ENFORCEMENT PROGRAM

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LAW ENFORCEMENT REGULATIONS

CHAPTER 2

TRAFFIC LAW ENFORCEMENT PROGRAM

2000. GENERAL. Driving a government vehicle or privately owned vehicle (POV) aboard MCRD San Diego is a privilege granted by the CG.

2001. DEFINITIONS

1. Driving Privilege. The privilege extended by the CG to an individual permitting the operation of a motor vehicle within the limits of the Depot. This privilege, once extended, is subject to administrative suspension or revocation for cause as determined by the CG. Upon such administrative action, all POV's registered to the individual against whom the action is taken will automatically be deregistered, and the DoD decal removed. Individuals may apply to reregister their vehicles after their driving privileges are reinstated.
2. Emergency Vehicle. Fire, MP, Ambulance, and other such vehicles may be designated or authorized by the CG.
3. Motorized Bicycle. A two wheeled conveyance, which can be driven either by a person using pedals or by electric energy, and can be connected by automatic transmission to a motor, which produces less than two gross brake horsepower and can move the bicycle at no more than 30 miles per hour.
4. Motor Vehicle. Any vehicle that is self-propelled.
5. Motorcycle. Any motor vehicle having a seat or saddle for the use of the rider, designed to travel with not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.
6. Pedestrians. Shall include all persons who walk, run, jog, speed walk, etc., on or near a roadway.
7. Respondent. Any person appearing before the Traffic Board.
8. Revocation of Driver's License. The formal action of termination, by state authority, of a person's driver's license or privilege to operate a motor vehicle on a public highway. Termination of a license, as such, is not subject to restoration except by an application presented to and acted upon by the state after the revocation period has expired. Once a person's driver's license is revoked, that person is no longer authorized to operate a motor vehicle on a military installation, for they are no longer "licensed" to drive.

9. Revocation of Driving Privileges. Action taken by the CG to terminate an individual's privilege to operate a motor vehicle on a military installation for a specific period, but never less than six months. This action precludes renewal or restoration except by application only after the specified period of time has elapsed.

10. Suspension of Driver's License. The formal action of temporary withdrawal, by state authority, of a person's license or privilege to operate a motor vehicle on a public highway. This temporary withdrawal is for a specified period of time. Once a person's driver's license is suspended, that person is no longer authorized to operate a motor vehicle on a military installation, as they are no longer "licensed" to drive.

11. Suspension of Driving Privileges. The temporary withdrawal by the CG of an individual's privilege to operate a motor vehicle on a military installation for a specified period of time, not to exceed six months.

12. Vehicle. A device by which a person or property may be propelled, moved, or drawn upon a highway, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

2002. RESPONSIBILITIES

1. Base Safety Manager

a. Maintain appropriate records of personnel attending driver improvement or remedial driver training and notify the CO's of those who fail to attend or who fail either course of instruction.

b. Coordinate with other installations to have personnel stationed aboard MCRD attend a motorcycle safety program, which includes a motorcycle safety and skill course that involves direct observation of the rider's ability, and classroom presentations, such as the curriculum and performance evaluation approved by the Motorcycle Safety Foundation.

c. Administer the station remedial driver-training program.

2. Provost Marshal. Responsible for the overall administration of the traffic law enforcement program, except as noted in paragraph 2002.1 above.

2003. REQUIREMENTS FOR DRIVING PRIVILEGES. Per reference (c), all persons who accept the privilege of driving aboard the Depot must:

1. Comply with the provisions contained in this Manual, reference (d), and all laws and regulations governing motor vehicle operations on this station.

2. Comply with Depot registration requirements contained in paragraph 2006 of this Manual.
3. Possess, while operating a motor vehicle, and produce on demand to MP personnel:
 - a. Proof of vehicle ownership and/or state registration;
 - b. A valid state driver's license; and
 - c. Proof of insurance, a minimum coverage of \$15,000 liability, \$30,000 personal injury, and \$5,000 property damage.
4. Operators of motorcycles, in addition to the requirements contained in this Manual, shall comply with the current edition of reference (1).

2004. VEHICLE SAFETY REQUIREMENTS

1. General. Safety inspections of vehicles are the responsibility of the vehicle owner/operator. Persons driving an unsafe vehicle may be issued a traffic citation as described in paragraph 2015.10. The minimum acceptable vehicle safety requirements are:
 - a. Operational windshield wipers;
 - b. Headlights with operational upper and lower beam, and properly aimed per paragraph 24407 of reference (d);
 - c. Operational parking lights;
 - d. Operational taillights that are visible from a distance of 500 feet to the rear or 1,000 feet for vehicles manufactured after 1 January 1969;
 - e. Operational licenseplate light that is visible from 50 feet;
 - f. Operational brake lights;
 - g. Operational turn signals, front and rear;
 - h. Operational speedometer;
 - i. Operational horn that is audible from a distance of 200 feet;
 - j. Rear view mirrors that afford vision to the rear for a distance of 200 feet. A minimum of two such mirrors are required, one of which must be affixed to the left side of the vehicle;

k. Muffler must reduce motor noise to a reasonable degree and be free of leaks. Exhaust systems will not be equipped with a by-pass kit or other modifications that increase noise;

l. Windshields, rear, and side glass must be free of cracks that obstruct vision or create a safety hazard. Signs, stickers, or other materials that are displayed on the windshield will be restricted to a seven inch square in the lower corner of the windshield farthest removed from the driver and a five inch square in the lower corner closest to the driver;

m. Tires must have a minimum of 1/32 inch of tread on the entire circumference across that surface of the tire that contacts the roadway and will be free of breaks and protuberances. Racing slicks are prohibited;

n. Vehicles manufactured with hoods, doors, and truck lids must possess these items and they must close securely without the use of straps, wires, or other foreign devices;

o. Parking brakes must be capable, when fully applied, of holding a vehicle stationary on a five percent grade;

p. All POV's manufactured after 1966, except motorcycles, must be equipped with seat belts for the operator and all passengers;

q. Vehicles of model year 1973 or later shall be equipped with a certified device to control the emission of pollutants from the crankcase and exhaust; and

r. No vehicle shall have any object or material (tint) placed, displayed, installed, affixed, or applied in or upon the vehicle which obstructs or reduces the drivers clear view through the windshield or front side windows.

2. Motorcycle, Motorized Bicycles, and other self propelled cycles. For operators and passengers of motorcycles, motorized bicycles, and other self-propelled cycles (ATV's etc.), the following rules apply:

a. Headlights will be on at all times when in operation.

b. A rear view mirror will be attached to each side of the handlebars.

c. Operators and passengers will wear an approved crash helmet that meets the American National Standards Institute (ANSI) standard number Z90.1, DOT, or Snell Institute Standards.

d. Operators and passengers will have impact or shatter resistant goggles or full-face shield will be attached to the helmet. Windshield or eyeglasses alone is not considered proper eye protection.

e. Hard soled boots or shoes with heels; the use of leather boots is encouraged. No sandals, open toe shoes, or tennis shoes will be worn.

f. A brightly colored outer upper garment will be worn during the day. The upper one half of the garment is required to be brightly colored. Brightly colored does not include the camouflage utilities, dark blue, black, dark green, etc. During inclement weather, and from sunset to sunrise, a brightly colored - reflective upper garment with two one and one half to two inch wide vertical or inch wide vertical or horizontal retro-reflective strips front and back, or a commercially available mesh/fabric vest that is bright yellow, international orange or lime green with two one and one half to two inch wide vertical or horizontal retro-reflective strips front and back will be worn. The vest is authorized for wear by Marines in uniform, and should be removed as soon as the Marine gets off the motorcycle. The garment must not be covered or concealed, such as by a backpack.

g. Properly worn long sleeved shirt or jacket, long legged trousers, and full fingered gloves or mittens.

2005. MODIFICATIONS/ALTERATIONS TO VEHICLES

1. Modification of Suspension Systems. No modification or alteration to the suspension of a vehicle shall be made that reduces or increases the clearance between the body or frame and the road surface from the original manufacturer's specification and does not meet the provisions of reference (d) as described below.

a. No vehicle shall be modified from the original design so that any portion of the vehicle has less clearance from the surface of a level roadway than the distance between the roadway and the lowermost portion of any rim of any wheel.

b. No vehicle shall be modified from the original design so that the frame height, as measured from a level surface to the lowest point on the frame midway between the front axle and the second axle on the vehicle, exceeds the maximum permissible height as follows:

- (1) Passenger cars 23 inches
- (2) Up to 4,500 GVWR 27 inches
- (3) 4,501-7,500 GVWR 30 inches
- (4) 7,501-10,000 GVWR 31 inches

c. The lowest portion of the body floor shall not be more than five inches above the top of the frame.

d. Any vehicle that does not conform to these height requirements will not be allowed on the Depot nor will it be registered.

2. No vehicle will be allowed on the Depot that displays decals, paintings, or written material with obscenities or may have a tendency to produce a breach of the peace or other disturbance that would directly interfere with the orderly functions of the Depot.

3. Motorcycle Modifications. Per section 27801 of reference (d), no person shall be permitted to register or operate a motorcycle on the Depot that is:

a. Equipped with a seat so positioned that the driver, when sitting astride the seat, cannot reach the ground with their feet; and

b. Equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above shoulder height when sitting astride the seat.

2006. REQUIREMENTS FOR VEHICLE REGISTRATION

1. Policy. Decals will only be issued to active duty military personnel or their family members and Civilian employees and contractors who live, or work aboard the Depot. Military retirees, their spouses, widows, or widowers who frequently use the facilities available at MCRD San Diego can register their vehicle(s) with the Vehicle Registration Office. Personnel reporting aboard shall register their vehicle(s) within five working days of their report date.

2. Smog Inspection

a. Vehicles Requiring Smog Inspection

(1) Per reference (d) all vehicles registered in the State of California are required a biannual smog inspection.

(2) Per the Federal Clean Air Act all vehicles operated aboard Federal installations are required to comply with state smog inspection requirements. As such all out of state registered vehicles operated aboard MCRD San Diego, for more than 60 days, are required to have their vehicle inspected biannually.

b. Vehicles Exempt from Smog Inspection

(1) Vehicles that are 30 model years old or more.

(2) Vehicles that are four model years old or less.

(3) Diesel powered vehicles.

(4) Motorcycles.

c. Waivers for Smog Inspection. In the event that a vehicle should fail the smog test the owner is liable for a maximum amount of \$450 in repairs in an attempt to get their vehicle(s) in compliance. If after spending \$450 the owner is still unable to receive a Certificate of Compliance, a one-time emission cost waiver may be obtained from a "Referee" inspection station.

3. Depot Registration Requirements. The below listed items are required and must be presented to MP personnel at the time of registration:

a. A valid state driver's license;

b. An active duty military, dependent, or retired military identification card, or an appropriate DoD civilian employee identification card;

c. Proof of vehicle ownership, such as a certificate of state registration as required by the state in which the vehicle is registered. Persons need not own the vehicle to register it, but must have a lease agreement, power of attorney, or notarized statement from the owner of the vehicle specifying the inclusive dates for which permission to use the vehicle is granted;

d. Proof in insurance, a minimum coverage of \$15,000 liability, \$30,000 personal injury, and \$5,000 property damage;

e. Proof of smog inspection (out of state vehicles only);

f. For motorcycles, proof of completion of a Motorcycle Safety Foundation (MSF) or California Motorcycle Safety Program (CMSP) safety and skill course is required for permanent registration. For temporary registration, individuals must show proof that they are scheduled to attend a motorcycle safety course.

g. Proof of completion of a driver improvement course if under the age of 26.

4. State Registration Requirements. Vehicles must be registered and licensed in the State of California or in the state of legal residence. Pursuant to a military exemption, nonresident members of the armed forces may continue to register their POV's in their state of legal residence without tax or registration obligation to the State of California.

Nonresidents desiring to register in the State of California may obtain a special license rate by filing a nonresident exemption form with the California Department of Motor Vehicles.

5. Motorized Bicycles. Street legal motorized bicycles operated on the Depot are required to be registered and licensed with the California DMV and MCRD San Diego. Personal liability insurance in the amount of \$35,000 is required on all street legal motorized bicycles.

2007. DOD REGISTRATION DECALS

1. A vehicle registration decal (DD Form 2220) and expiration tab will be issued to applicants who meet the criteria set forth in paragraph 2006 above.
2. Registration decals will be affixed to the lower driver's side corner of the windshield.
3. Registration decals will be maintained by the registrant in such condition as to be clearly legible at all times. When a decal becomes damaged to the extent that it is not clearly legible, the registrant will immediately make application for a new decal.
4. Registration decals are issued for use on a specific vehicle and may not be interchanged with other vehicles.
5. Registration decals are issued for a maximum period of two years for out of state registered vehicles and will expire on the date of expiration of the smog certificate or expiration of active duty whichever is earlier. Vehicles registered in the State of California will be issued registration decals for a maximum period of four years or expiration of active duty whichever date is earlier.

2008. CHANGES TO REGISTRATION INFORMATION. It is the responsibility of the individual concerned to promptly notify the Vehicle Registration Office of any changes in status or appearance of the registered vehicle. Examples of changes are new license plates, change of color of vehicle, change of unit, etc.

2009. REMOVAL OF REGISTRATION DECALS. The registration decal remains the property of the U. S. Government and shall only be removed by members of PMO in the official performance of their duties. Should the registered owner be transferred from the Depot, the individual will report to the Vehicle Registration Office for cancellation of registration. If transferred to the

reserve or retired list, decals may be retained unless there is a change in grade, i.e. enlisted to officer, officer to enlisted. In the event an owner sells or trades a vehicle, or is involved in an accident that renders the vehicle useless, the individual will return the decal to the Vehicle Registration Office. Vehicles will not be sold or have ownership transferred with the registration decal on the vehicle.

2010. TEMPORARY PASSES. Temporary vehicle passes will be issued for all non-registered vehicles entering the Depot. These passes will be issued for the periods indicated below.

1. Military personnel in a temporary additional duty status for the period of their stay aboard the Depot.
2. Military and civilian personnel being detached from the Depot who have surrendered their DoD decal, not to exceed 30 days.
3. Military and civilian personnel reporting aboard during normal working hours, not to exceed five days.
4. Assigned personnel who purchase new or used vehicles, not to exceed 30 days.
5. Contractors, contractor employees, and technical representatives, not to exceed 45 days or length of contract, which ever is less.
6. Military and civilian personnel scheduled to attend the motorcycle safety course/Drivers Improvement Course may be issued a temporary pass good until the date of their scheduled class, as verified by Depot Safety.
7. Special cases, not specifically covered above, as deemed appropriate by the Provost Marshal or his designated representative.

2011. OFFICIAL GUEST PASSES

1. Official guest passes will be issued to authorized visitors or guests for short periods aboard the Depot, as indicated in Chapter 4 of this Manual. These passes will not be issued to a person who resides, performs duty, is employed on, or frequently uses the facilities of the Depot.
2. The passes will not be issued to commercial carriers or commercial representatives of firms doing regular business aboard the Depot. However, these vehicles will be checked for verification of destination and contents.
3. Official guest passes are to be used only by the vehicle for which the pass was issued.

4. Proof of vehicular ownership, insurance, and a valid driver's license must be shown prior to the issuance of a visitor pass.

2012. TRAFFIC REGULATIONS. In addition to references (c) and (d), the following regulations apply aboard MCRD San Diego.

1. Restraint Systems. Infant and child restraint devices are required in POV's for children six years old and younger or children who weigh 60 pounds or less. Passenger restraint systems (seat belts) are required in all vehicles manufactured after 1966, and in the bed of all pickup trucks when transporting passengers in the bed of the truck. The use of a restraint system is required by:

a. All operators and passengers of government vehicles on or off the Depot;

b. All civilian personnel (military family members, guests, and visitors) driving or riding in a POV on the Depot;

c. All active military and reserve component personnel when driving or riding in a POV regardless on or off the Depot; and

d. All military, military family members, reserve component, and civilian personnel regardless of age, when riding in the bed of a pickup truck. Trucks with enclosed campers or camper shells are exempt. All restraining devices must meet federal Motor Vehicle safety standards.

2. Traffic Control Devices. Traffic signs and curb markings shall conform to the specifications set forth in the Bureau of Public Roads Uniform Traffic Control Device Manual. Traffic control devices posted by order of the Provost Marshal shall have the force and effect of a Depot directive. Directions given by Military Police acting as traffic control sentries will supersede all other traffic control devices. No traffic control device shall be erected, moved, altered, or damaged without the approval of the Provost Marshal.

3. Motor Vehicle Operator's Permit. Any person operating a vehicle aboard the Depot shall have in their possession a valid operator's permit. Persons operating a government vehicle shall have a valid U. S. Government Motor Vehicle Operator's Identification Card (SF-46), unless exempted by current directives.

4. Blocking of Roads. No one shall obstruct roads, sidewalks, service roads, or parking areas without the permission of the Provost Marshal. The Public Works Officer shall notify the Fire Department and PMO prior to any

such obstruction necessitated by the functions of the Public Works Department. Adequate barricades and obstruction lights will be provided by the organization performing work aboard the Depot to ensure that pedestrians and vehicles are aware of existing hazards.

5. Pedestrians

a. Walking Near Roads. Pedestrians shall, at all times, walk on sidewalks or road shoulders as applicable. When walking on shoulders pedestrians shall walk facing traffic.

b. Pedestrian Crossings. Whenever possible, pedestrians shall cross roads only in a marked pedestrian crossing or at intersections. When crossing a roadway at other than pedestrian crossings or intersections, pedestrians shall yield the right of way to vehicles. No pedestrian shall enter a pedestrian crossing in such a manner as to cause vehicles to brake sharply or to cause an accident.

c. Loitering in Street. No person shall loiter in, or cross a street or roadway in such a manner as to unnecessarily impede the flow of vehicular traffic. No one, child or adult, shall play in streets or roadways.

d. Troop Formations. Troop formations have the right of way over all vehicular traffic, except vehicles responding to emergencies. Formations will keep to the extreme right side of the roadway and travel in the direction of traffic. Sufficient road guards will be assigned to stop traffic at intersections and other critical points. All road guards will wear high visibility vests and during the hours of darkness carry an operable flashlight. Formations will not be marched through the pedestrian arcades around the Depot Parade Ground, across the pedestrian arcade between Buildings 3 and 4, or on Belleau Avenue between Henderson Avenue and Tientsen Street. The speed limit when passing troop formations is five miles per hour.

e. Hitchhiking. Hitchhiking or soliciting rides on any portion of a roadway used for vehicular traffic is prohibited on the Depot.

f. Runners/Jogging. Running or jogging is prohibited in the Marine Corps Exchange area, which is bounded on the south by Hochmuth Avenue, on the west by Haiti Avenue, on the north by Cuba Avenue and on the east by Tripoli Avenue. All running or jogging will be on the left side of the roadway so personnel will face oncoming vehicle traffic. Within 50 meters of operational gates, runners and joggers will cross roads only in designated and approved pedestrian crosswalks. Runners and joggers shall wear high visibility or reflective clothing during hours of reduced visibility and before morning colors or after evening colors.

6. Bicycles

a. Traffic Laws. Persons riding bicycles are subject to the same traffic laws and have the same responsibilities as drivers of motor vehicles except for those provisions, which by their very nature can have no application to bicycles.

b. Operation. Bicycles may be operated on streets and roadways only, and shall not be ridden in areas designated for pedestrian traffic such as sidewalks, shopping areas, etc.

c. Equipment. Bicycles shall be equipped with a seat and handle bars affixed to the bicycle. When operated during hours of darkness, bicycles must be equipped with a rear reflector and headlight of sufficient power to be visible under normal weather conditions from a distance of 300 feet. All riders are required to wear DOT/SNELL approved safety helmets.

7. Motorized Bicycles

a. Traffic Laws. Any person holding a valid driver's license of any class with a CA M2 endorsement may operate a motorized bicycle on a roadway. All motorized bicycles are required to obtain a special plate issued by the California Department of Motor Vehicles.

b. Operation. A motorized bicycle may not be driven on a freeway, bicycle path, trail, or bikeway, unless the path or trail is on or next to a roadway. Motorized bicycles may not be driven on off-road areas of MCRD San Diego.

c. Equipment. The operators of motorized bicycles aboard the Depot must be in compliance with regulations covering operation of a motorcycle contained in paragraph 2004.2 and the current edition of reference (1).

8. Headphones/Earphones. Headphones and earphones are prohibited from use while operating a motor vehicle, walking, jogging, bicycling, or skating on roadways aboard the Depot.

9. Vehicle Parking

a. Curb Parking. Vehicles may parallel park on roadways only where such parking is authorized. At no time shall a vehicle be parked in such a manner that it blocks or impedes traffic flow on a roadway. Vehicles parked or stopped on a roadway where parallel parking is authorized shall park facing the direction of the flow of traffic, with the right hand wheels parallel with and within 18 inches of the right hand curb.

b. Prohibited Parking. Vehicles shall not be parked on sidewalks, lawns, or unpaved areas that are not designated parking areas, road shoulders, or any other area designated as a no parking area or:

(1) Within 20 feet of the inside of a boundary or security fence and within 30 feet of the outside of a boundary or security fence;

(2) Within five feet of any dumpster (trash container);

(3) Within 15 feet of any fire hydrant or stop sign;

(4) So as to obstruct the normal flow of vehicular or pedestrian traffic, or driver's vision;

(5) Within fire lanes;

(6) Within five feet of any building unless specifically posted as an authorized parking area; and

(7) On any landscaped area where vegetation is growing.

c. Reserved Parking. All reserved parking spaces aboard the Depot shall be approved by the G-4, who will provide PMO with an approved copy. Marking of reserved parking spaces is the responsibility of the Public Works Officer. Existing on and off-street parking facilities should be utilized on a non-reserved, first-come, first-served basis. When reserved or assigned parking requirements are objectively justified, the following guidelines regarding priority should apply;

(1) Government vehicles in direct support of Depot or departmental missions;

(2) Government vehicles in general support missions, e.g., couriers, postal, cargo delivery;

(3) POV's of handicapped personnel;

(4) POV's of patrons (including outpatients), visitors and;

(5) POV's of assigned personnel and employees not otherwise accommodated, with preference given to car pools.

d. TAD/Leave Parking. Due to its close proximity to Lindbergh Field, the Depot is an ideal place for military members and retirees to park their vehicles while on leave/TAD. Vehicles shall not be parked aboard the Depot in excess of 72 hours, except in designated areas. Personnel wishing to park aboard the Depot for extended periods of time shall report to Building 619, PMO to be issued a parking pass and to be directed to a designated

parking area. Those vehicles not displaying a parking pass or not parked in the designated area are parked illegally and subject to ticketing/tow.

e. Occupants in Parked Vehicles. No person under the age of ten or any person physically handicapped to the extent that unaided egress from a vehicle is not possible shall be permitted to remain in a parked vehicle unless accompanied by an adult.

f. Emergency Vehicle Parking. Emergency vehicles are authorized to park in reserved or restricted parking areas while performing official duties.

10. Speed Limits. Operators of motor vehicles shall obey all posted speed limits. Unless otherwise indicated, the speed limit on MCRD is 20 mph. In addition, the following shall apply:

a. In the absence of posted speed limit signs, the speed limit on roadways shall be 20 mph.

b. The maximum speed limits in parking lots shall be 10 mph.

c. In the Recruit Training Area, the maximum speed shall be 10 mph.

d. When passing troops in formation, the maximum speed limit shall be 5 mph.

11. Radar Detection/Counter Measure Devices. The use of radar detection/counter measure devices to indicate/jam the presence of speed recording instruments, or transmit erroneous speeds, is prohibited.

12. Roller-Skating/In-Line Skating/Skate-Boarding. The use of roller skates, in-line skates, and skateboards is prohibited in any workspace. ANSI approved helmets are required for skating/skateboarding. Protective equipment such as elbow pads, kneepads, and wrist guards are strongly recommended. Skaters shall yield to other pedestrian or vehicular traffic and use sidewalks whenever possible. Skating is permitted along Belleau Ave (all), Guantanamo St (all), Neville Ave (all except Bayview parking lot during Bayview hours of operation, Dunlap Rd (all), Guadacanal Ave (from Neville Ave to Russell Ave), Henderson Ave (all, except gate 2 area, unless exiting the Depot), Russell Ave (from Guadacanal Ave to Hochmuth Ave), Hochmuth Ave (all), Iwo Ave (from Hochmuth Ave to Santiago Ave, Santiago Ave (from Iwo Ave to Vera Cruz Ave), and Vera Cruz Ave (from Santiago Ave to Belleau Ave. As a quick reference the Depot perimeter, Boat House area, and north side of the parade deck are generally authorized areas. Recruit training area and the MCX are not authorized.

13. Cellular Phones. Motor vehicle operators shall not use cellular phones while the vehicle is in motion, unless they are using a hands-free device. A hands-free device is a feature that is included

or available with most of today's cellular telephones that permits a driver to use the telephone without lifting or holding the handset to the driver's ear.

14. Headlights. Vehicles will be operated with headlights turned on during periods of precipitation and other reduced visibility conditions. Examples include but are, not limited to, during periods of light or heavy rain, or during periods where visibility is obscured due to fog or smoke.

2013. DRIVING UNDER THE INFLUENCE

1. General. No person shall operate, or be in actual physical control of a motor vehicle, while under the influence of alcohol or drugs. Persons are presumed to be under the influence of alcohol if their blood alcohol content is 0.08 percent or more. A blood alcohol content of 0.05 percent or more but less than 0.08 percent will not give rise to a presumption that a person is or is not under the influence of alcohol. The fact may, however, be considered with other competent evidence in determining whether a person is under the influence of alcohol or drugs.

2. Implied Consent to Blood Alcohol Content Testing. Persons accepting Depot driving privileges are deemed to have given their consent to evidential testing for alcohol or drug content of their blood, breath, and/or urine if lawfully stopped, apprehended or cited for any offense allegedly committed while driving or in actual physical control of a motor vehicle on MCRD while under the influence of intoxicants. Per references (d) and (f), the following procedures apply:

a. Chemical tests for blood/drug content shall be administered by a Military Police Officer incidental to a lawful apprehension, stop, or citation of any offense allegedly committed while driving or in actual physical control of a motor vehicle when there is reasonable suspicion that the operator is under the influence of alcohol or drugs.

b. When determined that such test is necessary, suspects shall be advised that they have the choice of a blood or breath test to determine blood alcohol content. If drug usage is suspected the MP may, per reference (d), require the suspect to submit to a urine test. If the chosen test is unavailable, the suspect will be given the choice of the remaining test.

c. Suspects who are unconscious, or otherwise in a condition rendering them incapable of refusal, are deemed to have granted consent and a blood sample will be drawn for testing.

d. Suspects do not have the right to talk to an attorney or to have an attorney present before submitting to a test or during the administration of the test.

e. Once the test is begun, it must be completed. A change of mind and/or request for a different test is tantamount to a refusal to submit.

f. Once advised of the implied consent law, suspects must immediately choose which test to take. Persons, who willfully refuse to submit, fail to complete such a test once begun, or who cause an unreasonable delay in the administration of the test, will be processed for refusal to submit to a chemical test.

3. Referral for Evaluation/Treatment. The Provost Marshal will forward a copy of all violation reports on Military and DoD civilian employees apprehended for intoxicated driving to the Substance Abuse Center. Per references (c) and (e), the following procedures are mandatory for all persons apprehended for intoxicated driving, on or off the installation:

a. Refer active duty personnel for interview and evaluation by a substance abuse counselor within ten days;

b. Refer DoD civilian employees working on MCRD to the Employee Assistance Program; and

c. Provide military family members with assistance as prescribed in reference (e).

4. Reciprocal State/Military Action

a. The Provost Marshal will notify the State of California DMV and the DMV in the state where the individual is licensed following the final adjudication, at a Courts Martial, of an intoxicated driving offense or for refusal to submit to a chemical test to determine blood/drug content.

b. When any state authority suspends or revokes a person's driver's license, that person's Depot driving privileges shall be suspended or revoked for an equivalent period of time.

2014. TRAFFIC VIOLATION NOTICES. Traffic violators on the Depot will be issued either a DD Form 1408 (Armed Forces Traffic Ticket) or a DD Form 1805 (United States District Court Violation Notice) as set forth hereafter. As a general rule, active duty personnel will be issued the DD Form 1408. DD Form 1805 may be issued to all civilians without DoD affiliation and reservists, active duty personnel who are within 30 days of discharge, repeat/habitual offenders, and to all personnel for serious offenses such as driving under the influence, reckless driving, or driving on a state suspended or revoked license.

1. DD Form 1408. MP personnel are authorized to issue this citation to all active duty military personnel, retirees, military family members, and civilian employees working aboard MCRD for all violations occurring aboard MCRD and to drivers of government vehicles on or off the Depot. Distribution of the copies is as follows:

a. The original (white) copy is forwarded to the PMO Traffic Court Clerk (TCC) for processing.

b. The second (yellow) copy is maintained by the issuing MP.

c. The third (pink) copy is given to the violator. If the violator refuses to accept/sign the citation, it will be annotated in the remarks section. The pink copy will then be attached to the white copy.

2. DD Form 1805. United States District Court Violation Notice, DD Form 1805, directs violators to appear before an U.S. Magistrate Judge at a specific time. This notice will be filled out in triplicate by on duty MP personnel only, and is normally issued to personnel who have no direct connection with the DoD, habitual offenders, active duty members who are within 30 days of discharge, reservists, and DOD employees of another base/installation and to all personnel for serious offenses such as driving under the influence, reckless driving, or driving on a state suspended or revoked license. Administration, processing, and adjudication of this citation are covered in Chapter 3 of this Manual. Distribution of the notice is as follows:

a. The original (white) copy is returned to the PMO TCC for transmittal to the Central Violations Bureau.

b. The second (yellow) copy is forwarded to the SJA Office.

c. The third (manila card stock) copy is given to the violator (or if a parking violation, placed on the vehicle).

2015. TRAFFIC COURT

1. General. Traffic Court functions fall under the staff cognizance of the SJA, MCRD San Diego. Board hearings are conducted at the time and location determined by the SJA. All military personnel appearing before the Traffic Court Magistrate (TCM) will be in the uniform of the day. Civilian personnel will be in appropriate civilian attire. Findings of the TCM are administrative in nature, not punitive; consequently rules of evidence pursuant to military jurisprudence do not apply. Administrative actions taken by the TCM do not preclude trial by courts martial, Article 15, or other administrative or disciplinary actions available to commanders or civilian supervisors.

2. Applicability. All active duty military personnel, retirees, military family members, and DoD civilian personnel (operating a government vehicle) are subject to the rulings of the Traffic Court.

3. TCM. The CG, MCRD, San Diego will appoint two Field Grade Officers as TCM'S. Persons of a grade higher than the TCM presiding over the Traffic Court on the scheduled hearing date shall appear before the Depot Inspector for disposition of their case.

4. TCC. A TCC is designated by the Provost Marshal to record the actions of the Traffic Court and to perform other administrative and clerical functions as required by the TCM.

5. Traffic Court Appearance/Plea. Persons issued a DD Form 1408 traffic citation will, at the time of issue, be given a traffic court appearance date. Those persons wishing to plead guilty, for non-mandatory appearances, may do so via phone up to the Monday prior to their assigned traffic court appearance date. The TCC, upon receiving a guilty plea, will assess the appropriate number of point(s) to their Depot driving record. Those persons wishing to contest their citation will appear before the TCM.

6. Failure to Appear

a. Failure to appear before the TCM for a non-mandatory appearance will constitute a plea of guilty. The maximum number of allowable points will be assessed against their driving record and a notification will be sent to the person's CO or civilian supervisor notifying them of the failure to appear.

b. Failure to appear before the TCM for a mandatory appearance will result in the temporary suspension of Depot driving privileges until such time the offender appears before the TCM and is adjudicated. The TCC will publish a roster of all personnel who have failed to appear and have been placed on temporary suspension and forward it to the appropriate Battalion Commanders.

7. Respondent Rights. Every contested case shall be fully and fairly heard. Individuals contesting a traffic citation will have the opportunity to cross-examine witnesses, present evidence on their own behalf, and make statements relevant to the circumstances of their case and its disposition. Legal counsel may appear with the respondent, however, such counsel must be provided by the respondent at no cost to the government.

8. Administrative Authority. Authorized administrative actions available to the TCM are limited to:

a. Dismissal of the charges;

b. Assessment of points per the current edition of reference (c) and Table 2-1 of this Manual;

c. Suspension or revocation of Depot driving privileges per reference (c) and Table 2-2 of this Manual;

- d. Suspension of driving privileges with probation;
- e. Referral to CO/civilian supervisor for appropriate disciplinary action;
- f. Continuance of the hearing until a later date.

9. Parking Violations. Parking violations do not require an appearance before the TCM. Persons wishing to contest a parking citation may do so at Traffic Court after contacting the TCC for assignment of a Court date. Points will be assessed against driving records for parking violations as specified in Table 2-1. Driving privileges may be suspended for up to six months for parking violations, as specified in Table 2-2.

10. Defective Vehicle Violations. These violations require the individual to correct deficiencies and show proof of the correction within five working days or request an extension. Failure to comply will result in a mandatory Traffic Court appearance and assessment of points against the individual's driving record as indicated in Table 2-1. Failure to correct the deficiency by the scheduled court date or failure to appear will result in the temporary suspension of Depot driving privileges.

11. Appeals. Any person whose driving privileges have been suspended or revoked, or who has received an assessment of points and considers the decision of the TCM to be unjust or disproportionate to the offense committed, may appeal the matter via the chain of command and the Provost Marshal to the CG (Attn: SJA). Appeals must be in writing and submitted via the violator's chain of command within ten working days after appearance before the TCM. Except in unusual circumstances, the CG may summarily deny an appeal not received within ten working days. Suspensions and revocations remain in effect pending resolution of appeals. The Provost Marshal shall provide information by forwarding endorsement to provide for a fair and expeditious resolution of the appeal and will append a copy of the TCM's summary of the hearing.

2016. TRAFFIC POINT SYSTEM

1. Purpose. The traffic point system provides a uniform administrative device to impartially judge driving performance of personnel driving on the Depot. This system is not a disciplinary measure or a substitute for punitive action. Per reference (c), points will be assessed as indicated in Table 2-1.

2. Applicability. The point system contained in Table 2-1 applies to everyone granted the privilege of operating a motor vehicle on MCRD, as described in paragraph 2015.2, and to all operators of government vehicles cited for traffic violations on or off the Depot.

3. Action

a. TCC. When an individual accumulates six points within a six month period, the TCC will prepare an advisory letter for the TCM's signature to be sent to the individual's CO or supervisor, if civilian.

b. CO's/Supervisors. Upon receipt of the advisory letter, ensure that counseling or a driver improvement interview is conducted. This process should result in recommendations designed to improve driver performance, such as:

(1) Attendance at Remedial Driver training following the identification of the individual as a problem driver, or whenever a commander concludes that such treatment may improve performance;

(2) Referral for medical evaluation when an individual, based on reasonable belief, has mental or physical limitations, which have had or may have an adverse effect on driving performance;

(3) Referral to an alcohol or drug treatment facility for evaluation, counseling, or treatment. This action is mandatory for active duty military personnel in all cases in which alcohol or drugs are a contributing factor to a traffic citation, incident, or accident.

c. Accumulation of Points. Points assessed against a person's driving record per Table 2-1 will remain in effect for point accumulation purposes for 24 consecutive months. Upon completion of a revocation based on accumulation of points, all points assessed prior to the revocation will be removed from the driving record.

d. Driving Record Entries. Removal of points does not authorize removal of driving record entries for moving violations, chargeable accidents, suspensions, or revocations. Record entries will remain posted in individual driving records for the period of time indicated below:

(1) Chargeable non-fatal traffic accidents or moving violations - three years;

(2) Non-mandatory suspensions or revocations - five years;

(3) Mandatory revocations - seven years.

2017. WITHDRAWAL OF DRIVING PRIVILEGES

1. General. The privilege of driving a vehicle on a military installation is subject to administrative termination or restriction. The termination of vehicle registration, removal of DoD decal, is inherent to revocation of driving privileges and requires application for reregistration upon completion of the specified period of revocation. The TCM shall, for cause,

administratively suspend or revoke Depot driving privileges of active duty military personnel, military family members, and DoD civilian personnel involved in drug and alcohol related driving incidents regardless of the geographic location of the incident.

a. Once suspended/revoked the individual will remove all the vehicles that they own from the Depot. Military family members may re-register the vehicles in their name and receive a special decal that will allow them to access the Depot.

b. The CG may authorize Marines who had their on-base driving privileges suspended or revoked to operate a Government vehicle in the performance of their official duties, provided that the Marine's state driver's license is not also suspended or revoked.

2. Temporary Suspension of Driving Privileges. Per reference (c), all persons subject to this Manual will have their Depot driving privileges temporarily suspended if apprehended for driving under the influence of alcohol or drugs either on or off the Depot, or for failing to appear for mandatory Traffic Court appearances. This suspension is temporary, pending resolution of the offense at Traffic Court or the appropriate civilian court. Operation of a motor vehicle aboard the Depot during the time of suspension shall result in a two-year revocation of Depot driving privileges. Upon request, a preliminary hearing may be afforded to individuals who receive a temporary suspension.

3. Suspension of Driving Privileges. Driving privileges are usually suspended when other measures have failed to improve driver performance. The suspension may be for a period up to six months and driving privileges are automatically restored after the suspension period expires.

4. Revocation of Driving Privileges. The revocation of Depot driving privileges is a severe administrative measure that is invoked for serious moving violations or when other available corrective actions failed to produce the desired results. Revocation of driving privileges is for a specified period, but never less than six months, applies to all military installations, and remains in effect upon reassignment. See Table 2-2 for mandatory and discretionary revocations.

5. Restricted Driving Privileges. The CG may modify a suspension or revocation of driving privileges when warranted. Restricted driving privileges or probation is granted on a case-by-case basis, provided the state license remains valid, to accommodate the following circumstances:

- a. Mission requirements;
- b. Unusual personal or family hardships;

c. Delays exceeding 90 days, not attributed to the person concerned, in the formal disposition of charges that are the basis for any type of suspension or revocation;

d. When there is no reasonably available alternate means of transportation to official assigned duties.

6. Probation. In lieu of a suspension of driving privileges, a driver may be placed on probation. During the probationary period, the individual is allowed to continue to drive. If the individual is involved in a chargeable accident or moving violation during the probationary period, the original period of suspension will be activated in its entirety, to commence from the date of the violation of probation.

2018. REQUEST FOR REINSTATEMENT/RESTRICTED DRIVING PRIVILEGES

1. General. Requests for reinstatement/restricted driving privileges shall be submitted in writing to the CG (Attn: SJA) via the chain of command and the Provost Marshal. Persons who refuse to submit to or fail to complete chemical testing for blood alcohol content (BAC), when apprehended for driving under the influence, or are convicted of driving under the influence, are not eligible for reinstatement of full or restricted driving privileges unless an alcohol education and treatment program and remedial drivers training course are successfully completed.

2. Restricted Driving Privileges. Requests shall contain a detailed statement of the extraordinary circumstances justifying special consideration. CO's are requested to include an assessment of the impact on the military mission that the revocation or suspension has, or is likely to have. Persons who violate restricted driving privileges are subject to revocation of driving privileges for an additional two years. All personnel applying for restricted driving privileges will complete a remedial drivers course and submit proof of attendance with the request.

3. Reinstatement of Driving Privileges. All personnel applying for reinstatement of driving privileges will complete a remedial drivers course and submit proof of attendance with the request.

2019. ADMINISTRATIVE DUE PROCESS

1. For offenses other than driving under the influence, suspension or revocation of the Depot driving privileges will not become effective until the effected person has appeared before an administrative hearing conducted by the TCM. If, as a result of the hearing, a determination is made to suspend or revoke the effected person's driving privileges, the TCM will, at the conclusion of the hearing, issue a letter of notification of suspension or revocation to the effected person. The person whose privileges are

suspended or revoked will then sign for receipt of the letter. If the person refuses to sign for the letter, the TCC will annotate it on the file copy. The suspension/revocation becomes effective immediately upon receipt of the letter. A person whose privileges are suspended or revoked has the right to appeal or request reconsideration as specified in paragraph 2019.2 below.

2. Appeal hearings conducted on suspension actions under paragraph 2017.1 for driving under the influence will cover only the pertinent issues of whether:

a. The law enforcement official had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs.

b. The person was lawfully stopped, cited, or apprehended.

c. The person was lawfully requested to submit to a test for alcohol or drug content of blood, breath, or urine and was informed of the consequences of refusal to take or complete such test.

d. The person refused to submit to the test for alcohol or drug content of blood, breath, or urine; failed to complete the test; or submitted to the test and the result was 0.08 percent or higher blood alcohol content; or the person's actions indicated a lack of motor skills clearly showing the presence of other drugs and an ability to operate a motor vehicle; or the driver was underage and had a BAC of 0.01% or higher.

e. The testing methods used were valid and the results accurately evaluated.

2020. IMPOUNDING VEHICLES

1. Implied Consent to Impoundment. All persons entering MCRD San Diego are deemed to have given their consent for the removal and temporary impoundment of their POV when it is illegally parked for unreasonable periods, interfering with operations, creating a safety hazard, disabled by accident, left unattended in a restricted or controlled area, or abandoned. Such persons further agree to reimburse the appropriate civilian contracted towing agency for the cost of towing and storage should their POV's be removed or impounded. The Provost Marshal will determine existence of the conditions described above.

2. Abandoned Vehicles. POV's are considered abandoned when the owner voluntarily relinquishes possession of the vehicle with the intent of terminating ownership, or when ownership of a vehicle cannot be determined by a computer registration check and it has been unattended without authorization anywhere on the Depot for more than 72 hours.

3. Towing. The towing of POV's aboard MCRD San Diego will be accomplished by civilian contracted towing agencies.

4. Emergency/Immediate Towing of POV's will occur when:

- a. Parked in a fire lane or safety zone;
- b. Parked in areas which pose a security risk to the Depot;
- c. Obstructing traffic;
- d. Interfering with emergency vehicle traffic or equipment;
- e. Parked in pre-posted temporary no parking areas, e.g., road construction;
- f. The operator is driving while their Depot or state driving privileges are suspended or revoked, or is driving under the influence of alcohol or drugs. The vehicle will not be towed if the service member has military family members in the local area and it is the only means of transportation;
- g. The operator is injured or too ill to continue to operate the motor vehicle and no one else is available to move the vehicle;
- h. The vehicle poses a safety or environmental hazard.
- i. The vehicle is determined by a registration check to be stolen;
- j. There is probable cause to believe that such vehicles or their contents may have been instruments of crimes;
- k. The vehicle is involved in a serious motor vehicle accident and classified as criminal evidence.
- l. Under any other circumstances deemed necessary by the CG.

5. Three Day Towing

a. POV's in the below listed categories will be tagged by MP and will be subject to towing three days thereafter:

- (1) Illegally parked vehicles except as described in paragraph 2020 above;
- (2) Vehicles possessing expired base or state registration;

(3) Recreational vehicles, trailers, boats, motor homes, campers, and busses parked overnight unless they are the primary means of transportation. Storage of these types of vehicles may be coordinated with Marine Corps Community Services.

b. POV's tagged by MP are subject to towing three days thereafter by a civilian towing company to an off base facility when they are determined to be abandoned vehicles.

6. Procedures for Impoundment

a. Except for those circumstances described in paragraph 2020.4 above, MP will conspicuously tag unattended POV's with DD Form 2504 (Abandoned Vehicle Notice) and document this action.

b. The owner will be allowed three days from the date the POV is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after three days, it will be towed.

c. A DD Form 2506 (Vehicle Impound Report) will be completed by MP personnel as a record of the action taken on any impounded vehicle.

d. Personal property found inside the vehicle will be inventoried.

7. Disposition of Vehicles After Impoundment

a. Once a vehicle is impounded and towed, PMO will forward, by certified mail, a DD Form 2507 (Notice of Vehicle Impoundment) to the address of the last known owner of the vehicle. The form will advise the owner of the impoundment action, the time, date, and place of intended sale or other disposal action, and request information concerning the owner's intentions pertaining to the disposition of the vehicle.

b. If the owner cannot be found or if the vehicle is unclaimed after 45 days from the date the notification was mailed to the last known owner, or the owner released the vehicle by properly completing DD Form 2505, the vehicle will be disposed of by the civilian contracted towing agency in accordance with California State Law.:

8. Appeals Procedure. Should a registered owner of a vehicle contend that their vehicle was towed, impounded, or improperly stored, they may submit a written appeal within ten working days of receipt of the notification of status of their vehicle. The below listed procedures will be followed:

a. The registered owner will submit a written appeal to the Provost Marshal, detailing the circumstances of the appeal and attach any supporting evidence.

b. The Provost Marshal will conduct an informal inquiry into the circumstances of the towing, impounding, or storing and report, within ten working days, to the Depot Inspector on whether the procedures for the towing, impounding, or storing were conducted per this Manual.

c. Upon receipt of the Provost Marshal's recommendations, the Depot Inspector, after consulting with the SJA, will make a finding and convey the finding to the registered owner and provide information concerning the filing of a claim against the government, if appropriate.

9. Responsibility of CO's. Establish adequate control procedures to ensure that personnel who receive permanent change of station orders physically check out with PMO.

10. Recovery of Towed/Impounded Vehicles. The owner, heir, next of kin, or legal representative may claim POV's at any time prior to disposition. If the vehicle is claimed by anyone other than the owner, the transmittal letter shall contain the following statement: "The action of this Depot in transmitting the property does not vest title in the recipient. Such property is forwarded to you to be retained or disposed of as custodian, per the laws of the state of the owner's residence".

2021. EMERGENCY VEHICLES

1. Drivers of authorized emergency vehicles will:

a. Complete the emergency vehicle operator's course.

b. Avoid the unnecessary use of sirens or red/blue lights.

c. Obey established speed regulations except that Military Police and other emergency vehicles may exceed the established speed limits, within reasonable limits, in pursuit of law violators or when answering an alarm of extreme emergency.

d. Obey all other traffic regulations, except that in an emergency they may:

(1) Park in any location when required by the nature of their duties;

(2) Proceed through stop signs, and make unauthorized turns, provided the vehicle is under control and does not endanger life or property.

2. The use of red/blue lights and siren does not ensure that other vehicles will yield the right-of-way, and every caution should be employed when they are used.

3. The provisions of this paragraph will in no way protect or exonerate drivers guilty of reckless disregard for the safety of others.

LAW ENFORCEMENT REGULATIONS

(See Note 1)

Violation	Points
1. Reckless driving (willful and wanton disregard for safety of persons or property).	6
2. Owner knowingly and willfully permitting a physically impaired person to operate the owner's vehicle.	6
3. Fleeing the scene of an accident (hit and run) - property damage only.	6
4. Driving while impaired (blood alcohol content more than 0.05% but less than 0.08%).	6
5. Speed contest.	6
6. Speed too fast for conditions.	2
7. Speed too slow, causing potential safety hazard.	2
8. Failure to properly restrain children in a child restraint system while moving.	2
9. 1 to 10 miles per hour above posted speed limit.	3
10. 11 to 15 miles per hour above posted speed limit.	4
11. 16 to 20 miles per hour above posted speed limit.	5
12. Following too close.	4
13. Failure to yield right of way to emergency vehicles.	4
14. Failure to stop for a school bus or school crossing signal.	4
15. Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield the right-of-way, denying entry; or requiring direction of traffic.	4
16. Improper passing.	4
17. Failure to yield right-of-way (No official sign involved)	4
18. Improper turning movements (No official sign involved)	3

Table 2-1.--Point Assessment for Traffic Violations.

LAW ENFORCEMENT REGULATIONS

Violation	Points
19. Wearing of headphones/earphones while driving motor vehicles including motorcycles.	3
20. Failure to wear approved helmet, reflective vest, or appropriate clothing while operating or riding a motorcycle, moped, or three or four wheeled vehicle, powered by a motorcycle-like engine.	3
21. Improper overtaking.	3
22. Other moving violations. (Involving driver behavior only)	3
23. Operating an unsafe vehicle. (See Note 2)	2
24. Driver involved in accident is deemed responsible (Only added to points assessed for specific offenses)	1
25. Parking in a fire lane, fire zone, next to a fire hydrant, or a handicap zone.	3
26. All other parking violations.	2
27. Unattended child(ren) (Points are separate from any other charge)	3
NOTE 1: When two or more violations are committed on a single occasion, the points assessed will be for the offense having the greater value.	
NOTE 2: This measure should be used for other than minor vehicle safety defects or when a driver or registrant fails to correct a minor defect.	

Table 2-1.--Point Assessment for Traffic Violations--Continued.

LAW ENFORCEMENT REGULATIONS

(See Notes 1 and 2)

Violation	Suspension/Revocation
1. Driving while driver's license or installation driving privileges are suspended/revoked. (See Note 2)	Revoke, two years, mandatory
2. Driving in violation of restricted privileges.	Revoke, one year, mandatory
3. Manslaughter or negligent homicide by vehicle resulting from the operation of a motor vehicle.	Revoke, one year, mandatory
4. Driving a motor vehicle while under the influence of any narcotic or while under the influence of any other drug (including alcohol) to a degree rendering the driver incapable of safe vehicle operation.	Revoke, one year, mandatory
5. Use of a motor vehicle in the commission of a felony.	Revoke, one year, mandatory
6. Fleeing the scene of an accident resulting in death or personal injury.	Revoke, one year, mandatory
7. Perjury or making a false statement of affidavit under oath to responsible officials relating to the ownership or operation of motor vehicle.	Revoke, one year, mandatory
8. Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.	Revoke, one year, mandatory
9. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol (0.08% blood alcohol content or greater). This is to include all such offenses that occur in civilian jurisdiction.	Revoke, one year, mandatory
10. Refusal to submit to or failure to complete a chemical test to determine BAC.	Revoke, one year, mandatory
11. Operating a motor vehicle while in possession of an illegal weapon which is within the driver's reach.	Revoke, one year, mandatory

Table 2-2.--Suspension/Revocation of Driving Privileges.

LAW ENFORCEMENT REGULATIONS

Violation	Suspension/Revocation
12. Assessment of 12 or more points in a 12 month period or 18 points or 18 points in a 24 month period.	Suspension not more than six months or revocation no more than one year, discretionary
13. Mental or physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive.	Suspension not more than six months or revocation more than one year, discretionary
14. Conviction of fleeing or attempting to elude a police officer.	Suspension not more than six months or revocation more than one year, discretionary
15. Conviction of racing on the highway.	Suspension not more than six months or revocation more than one year, discretionary
16. Illegal transference of a vehicle decal from one vehicle to another, failure to de-register a vehicle.	Suspension not more than six months or revocation more than one year, discretionary
17. Operating a motor vehicle while in possession of an illegal weapon, which is not in the driver's reach.	Suspension not more than six months or revocation more than one year, discretionary
18. Driving without a valid drivers license.	Suspension for one month or until proof of possession is shown, whichever is longer
19. Driving without a valid state registration.	Suspension for one month or until proof of possession is shown, whichever is longer
20. Driving without a valid Depot registration.	Suspension for one month or until proof of possession is shown, whichever is longer

Table 2-2.--Suspension/Revocation of Driving Privileges--Continued.

LAW ENFORCEMENT REGULATIONS

Violation	Suspension/Revocation
21. Driving without required insurance.	Suspension for one month or until proof of possession is shown, whichever is longer
22. Operating a motor vehicle at speeds in excess of 20 miles per hour above speed limit.	Suspension three months
23. Operating a motor vehicle at speeds in excess of 20 miles per hour above the speed limit. (Second Offense)	Suspension six months
24. Fraudulent use of a driver's license.	Suspension three months
25. Operating a motor vehicle while in possession of an open container of alcohol.	Suspension three months
26. Failure to wear safety restraint device. First offense.	Minimum suspension one week Remedial safety course
27. Failure to wear safety restraint device. Second offense.	Minimum suspension one month
28. Failure to wear safety restraint device. Third offense	Minimum suspension six months
NOTE 1: When imposing a suspension or revocation because of an off-base offense, the effective date shall be the same as the date of civil conviction, or the date that state driving privileges are suspended or revoked. This effective date can be retroactive.	
NOTE 2: No points are assessed for revocation or suspension actions. Except for implied consent violations, revocations must be based on a conviction by a civilian court or courts martial, non judicial punishment under Article 15, or a separate hearing by the Traffic Board officer. If revocation for implied consent is combined with another revocation, such as one year for intoxicated driving, revocations will run concurrently (total of 12 months).	

Table 2-2.--Suspension/Revocation of Driving Privileges--Continued.

LAW ENFORCEMENT REGULATIONS

CHAPTER 3

FEDERAL MAGISTRATES ACT

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FIGURE

3-1	WRITTEN CONSENT TO TRIAL BY MAGISTRATE	3-5
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LAW ENFORCEMENT REGULATION

CHAPTER 3

FEDERAL MAGISTRATES ACT

3000. GENERAL. The Federal Magistrates Act was enacted by Congress to reform the first echelon of the federal judiciary into a more effective component of a modern scheme of justice. U.S. Magistrates are appointed by the judge of each U.S. District Court and, in general, have jurisdiction over minor (non-felony) offenses committed on federal installations. Reference (g) provides guidance for the implementation of the Federal Magistrates Act, and is the basis for this chapter.

3001. POLICY

1. At MCRD, San Diego the U.S. Magistrate will be used to the maximum extent practical in the disposition of minor offenses. Referral of cases to the U.S. Magistrate will be by means of the DD Form 1805.
2. The DD Form 1805 will be issued to those persons who have no direct affiliation with DoD, active duty personnel who are within 30 days of their end of active service (EAS), reservists, DoD Employees working on another installation, habitual offenders, and to all people for serious offenses such as driving under the influence, reckless driving, or driving on a state suspended or revoked license.

3002. MAGISTRATE JURISDICTION. The jurisdiction and procedures of U.S. Federal Magistrates, are:

1. U.S. Magistrates may try only violations of federal law, including assimilated state criminal laws. U.S. Magistrate citations will be issued only when a violation of Depot safety, traffic, or protective regulations also constitute a violation of federal law or state law which is applicable at MCRD, San Diego, under Title 18, USC 13.
2. Included are violations of state law, which have been assimilated pursuant to the Assimilated Crimes Act, Title 18, USC 13. Excluded from the U.S. Magistrate jurisdiction are violations of DoD, Marine Corps, or Depot orders of a traffic nature.
3. Any U.S. Magistrate specially designated for that purpose by an appointing court has jurisdiction to try and sentence persons committing misdemeanors in any place within the judicial district for which such U.S. Magistrate was appointed.

4. Any person charged with a minor offense may elect to be tried before a judge of the district court where the offense was committed. The U.S. Magistrate shall explain to defendants their right to trial before a district judge, or judge and jury. The U.S. Magistrate shall not try the case unless the defendant signs the Written Consent to Trial by Magistrate form (see figure 3-1).

5. In cases of conviction by the U.S. Magistrate, an appeal may be taken to the judge of the district court where the offense was committed.

3003. OBJECTIVE AND OPERATION OF THE MAGISTRATE SYSTEM

1. The U.S. Magistrate System provides a vehicle by which the military can use the U.S. District Courts and Magistrates to process and dispose of minor offenses. Preset fines are established for the bulk of minor offenses that permit persons charged with such violations, and who neither contest the charge nor wish to have a court hearing, to pay their fines by mail.

2. Certain misdemeanors are excluded from the mail-in fine procedure and require mandatory court appearances. Defendants may request a court appearance when charged with any misdemeanor.

3004. ACTION

1. The SJA is responsible for effecting appropriate liaison with the local U.S. Magistrate.

2. The SJA will provide a Special Assistant to the U.S. Attorney (SAUSA).

3. DD Form 1805 is the only form authorized for use when referring offenses to a U.S. Magistrate.

4. The Provost Marshal is responsible for issuance, control and filing of the DD Form 1805.

5. The Provost Marshal will forward all DD Form 1805's to the Central Violations Bureau, PO Box 740026, Atlanta, Georgia 30374-0026, for referral to the magistrate court.

6. All MP shall be knowledgeable of the operation of the Federal Magistrate Act and the policies and procedures of the local federal district court and U.S. Magistrate.

LAW ENFORCEMENT REGULATIONS

UNITED STATES DISTRICT COURT

FOR THE
(Insert location of court)

Magistrate's Docket No. _____
Case No. _____

UNITED STATES OF
AMERICA
V.

CONSENT TO BE TRIED BY
UNITED STATES MAGISTRATE

I, _____ charged with _____

(insert brief description of offense)

a misdemeanor against the laws of the United States on a Federal
Reservation, in the _____ Division of the _____
District of _____ appearing before _____
United States Magistrate, who has fully apprised me of my right to elect to
be tried before a judge of the United States District Court which has
jurisdiction of the offense, and explained to me the consequences of this
consent, do hereby waive my right to trial, judgment and sentencing by a
judge of the United States District Court, and do hereby consent to be
prosecuted before the magistrate on the charge herein above stated, as
authorized by Title 18, United States Code, Section 3401.

Dated: _____, 20____

(Witness) _____ (Defendant)

Figure 3-1.--Written Consent to Trial by Magistrate Form.

LAW ENFORCEMENT REGULATIONS

CHAPTER 4

INGRESS AND EGRESS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 4

INGRESS AND EGRESS

4000. GENERAL. All persons entering or leaving MCRD, San Diego will do so at gates that are open and manned by MP personnel. Gate locations and hours of operation are determined, posted, and published by the Provost Marshal, with the approval of the CG, MCRD, San Diego.

4001. REQUIREMENT FOR IDENTIFICATION. Per reference (c), all persons attempting to gain entry to the Depot must present proof of personal ID, vehicle registration, valid driver's license and insurance upon request by MP. Nothing, in this Manual or other regulations, shall be construed as depriving the MP of the right to request proof of ID, or as relieving any individual of the responsibility to obey such request.

1. Responsibility for Identification. It is the responsibility of the person authorized access to the Depot, and who is traveling in a vehicle transporting other persons on the Depot, to ensure that such persons are eligible to enter the Depot.

2. Required ID

a. Military. Active duty, retired, and military family members shall present the appropriate, valid AFID card per reference (c).

b. Civilian Employees. Civilian employees working aboard MCRD San Diego shall present an U.S. Government ID Card.

4002. COMMERCIAL TRADESMEN. MP will verify the necessity and authority for commercial tradesmen to access the Depot by inspecting their bills of lading or manifests. If this documentation is not available, MP will determine the destination of the tradesmen and call to verify that they are expected. Once cleared to enter the Depot, the tradesmen will be authorized access and no passes for the vehicle or person are required. If at any time a commercial tradesman departs from the role of cartage delivery by attempting to solicit business, he will automatically be classified as a solicitor and must comply with Chapter 6 of this Manual. Violations will be dealt with summarily and offenders may be subject to permanent revocation of base entry privileges.

4003. AGENTS ID. Agents who are authorized to conduct business aboard the Depot are required to submit a letter to the PMO (Attn: Provost Marshal) stating the date, time and location of the event. The letter will also

contain a roster of nonmilitary affiliated guests. Sponsors of special events are responsible to brief all guests on the requirements for operating a motor vehicle aboard the Depot.

4004. SOLICITOR ID. Solicitors who wish to solicit business aboard the Depot must be cleared through SJA and PMO. Policy regarding solicitor access and conduct aboard the Depot is discussed in Chapter 6.

4005. VISITORS. Any person not covered in the above paragraphs is classified as a visitor. All visitors are required to have an official military sponsor prior to being allowed access to the Depot.

1. General Public. Casual visiting or sightseeing is not permitted except on those occasions specifically authorized by the CG.

2. Guests of Depot Personnel

a. Sponsored Visitor

(1) Between the hours of 0500-2300 guest(s) of military members or their military family members are authorized unescorted access to their destination, only after presenting proof of vehicle registration, valid drivers license and insurance. Sponsors are responsible for their visitors at all times while aboard the Depot. At no time will sponsors allow unescorted travel by their visitors except travel to and from the point of entry.

(2) Between the hours of 2300-0500 military members or their military family members are required to meet their guests at the gate and escort them to their destination.

b. Special Events. Military members hosting special events aboard the Depot, (e.g. receptions, parties) are required to submit a letter to the PMO (Attn: Provost Marshal) stating the date, time and location of the event. The letter will also contain a roster of nonmilitary affiliated guests. Sponsors of special events are responsible to brief all guests on the requirements for operating a motor vehicle aboard the Depot.

3. Labor Representatives. Accredited labor union representatives desiring entrance to the Depot must be sponsored by Public Works/Human Resource Office personnel. After verification of sponsorship labor representatives will only be allowed aboard the Depot for the following reasons:

a. Visiting the CG or a representative to discuss or resolve matters of mutual concern relating to union members of contractor's organizations.

b. Visiting contractors or their representatives and union stewards of contractor's employees to discuss and review conditions of employment, grievances, and related matters within collective bargaining agreements involving contractor's employees.

c. Visiting individual employees of contractors, provided: The number of contractor employees are so few in number a union steward of contractor employees has not been appointed and where discussion and review of matters within the collective bargaining process could not otherwise be accomplished.

4. At no time shall such visits include the right to hold meetings, collect dues, make speeches, distribute inciting and inflammatory material, or to enter areas where access to classified material/matters may be gained. Nor will such visits be allowed to interfere with operations or progress of work in the area to be visited.

4006. UNAUTHORIZED VISITORS. Any person who has entered the Depot in violation of this Manual or who has legally gained entry to the Depot and subsequently violates any orders in effect at the time of entry will be charged with trespassing.

4007. UNDESIRABLE VISITORS

1. Any person who is a known criminal, sex offender, narcotic addict, or who received an other than honorable, bad conduct, or dishonorable discharge from the armed forces or whose actions are prejudicial to the good order and discipline of the Depot are considered undesirable and will not be permitted entry to the station.

2. Upon receipt of information alleging the presence of personnel aboard the Depot as defined above, the Provost Marshal shall initiate a thorough investigation. If the CG determines that the person is undesirable, the CG may issue that person a letter of debarment. Any person who enters the Depot after being issued a letter of debarment may be referred to federal authorities for prosecution per reference (h).

LAW ENFORCEMENT REGULATIONS

CHAPTER 5

RESTRICTED AND OUT OF BOUNDS AREAS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 5

RESTRICTED AND OUT OF BOUNDS AREAS

5000. AREAS RESTRICTED TO ALL MILITARY AND CIVILIAN PERSONNEL. Access to the following areas is restricted to all military and civilian personnel except those persons whose presence is required for duty.

1. Depot Armory and Ammunition Bunker (Bldg 615 and 616).
2. MP Arms Room (Bldg 614).
3. Local Control Center (Bldg 31).
4. Coast Guard Armory (Bldg 394).
5. RTR Area.
6. Unauthorized personnel in these areas will be detained and referred to the MP Desk Sergeant. Their identification will be verified and an incident report submitted if warranted.
7. The CG will publish in writing, to the Provost Marshal, any other restricted areas and any areas designated as vital or substantially important to national security.

5001. MILITARY FAMILY HOUSING. All such areas to include the streets in these areas are off limits to personnel except residents, their visitors, or those conducting official business.

5002. BACHELOR ENLISTED QUARTERS. All enlisted barracks are restricted to visitors between the hours of 2400-0700 on weekends for all ranks and Monday through Friday for SNCOs, and 2200-0700 Monday through Friday, except for official military business. All visitors shall check in and out with the barracks manager or duty NCO.

5003. DINING FACILITIES. Unless specifically authorized by the CG, no person shall take a minor child or any guest into any military dining facility on the Depot.

5004. MINOR CHILDREN. Unless specifically authorized by the CG, no person shall take a person under the age of eighteen into any billeting area unless accompanied by their parent or legal guardian.

5005. SECURED BUILDINGS. Officer, enlisted and civilian personnel are prohibited from entering any secured building, unless in the performance of official military duties. Personnel of the Public Works Center, DOOD, and law enforcement personnel (MP, MPI and NCIS) are authorized access to any building at any time if such access is necessary in the performance of their official duties. A building shall be considered secured even though it is not locked, if the building is closed and personnel normally employed there are not present.

5006. CAMERAS AND PHOTOGRAPHY/PRESS

1. Privately Owned Cameras. The possession and use of privately owned cameras aboard the Depot are authorized, subject to the following restrictions:

a. Photographs may be taken only in the immediate vicinity of quarters, barracks, BOQ's/BEQ's, recreational areas and other public areas aboard the Depot.

b. Photographs will not be taken in any shop, or office building, or in any area marked "Restricted" or "Restricted Area".

c. Photographs will not be taken of official correspondence or documents.

d. CO's/Officers in Charge/Section Heads may authorize the taking of pictures of their commands, using personally owned equipment, in areas under their authority in which photography is otherwise prohibited. The photographer is required to carry written authorization signed by the CO, having authority over the area, listing the names of the persons authorized to take pictures and the time during which the authority is effective. A copy of this letter will be provided to the PMO. The CO having authority over the area is required to censor all photographs taken in each instance.

2. Media Representatives. Media representatives are authorized to take pictures aboard MCRD, San Diego, and areas under Marine Corps jurisdiction subject to the following restrictions:

a. Prior to entry to the Depot, the PAO will clear all members of the media.

b. A PAO representative will escort media personnel while aboard the Depot and will ensure that media personnel do not interfere with operations or enter restricted areas.

c. Media representatives will be informed of the presence of exposed classified material that cannot be secured and will be required to cooperate

in its protection. Photographers will be informed that photographing classified DoD material is a violation of federal criminal statutes (18 USC 795, 797).

d. Media representatives who refuse to cooperate will be immediately escorted off the Depot and denied future access. Media personnel refusing to surrender unauthorized film will be held for MP and their superiors will be informed that publication of such classified information or refusal to return it to military authority is a violation of federal statute (18 USC 793 (e), 795, and 797).

e. If at any time a member of the media is found in an unauthorized area or aboard the Depot without a PAO escort, the Director, PAO will be notified immediately. The offending media representative will be subject to immediate removal from the station and permanent debarment.

5007. SABOTAGE AND ESPIONAGE

1. General sabotage and espionage activities are an ever-present menace to any military organization, requiring constant vigilance on the part of all personnel to combat them. All personnel having knowledge of any person who is creating or attempting to create dissatisfaction or unrest among service personnel, or of any person seeking to obtain military information from service personnel, shall report such facts to MP. Any incident of possible or actual sabotage will be immediately reported to the CG via the Provost Marshal. The unit that would tend to compromise the formal investigation will undertake no investigative action. This does not preclude commanders from taking the steps necessary to ensure the security of their commands. The scene of the incident will be secured immediately and personnel, as necessary, restricted to ensure evidence is properly protected and processed.

2. Reporting of Violations. All violations effecting the national security or security of the Depot will be reported as follows:

a. The presence of any unauthorized person aboard MCRD or in any restricted area will be promptly reported to the PMO.

b. The discovery of any explosive, unauthorized firearms, or unauthorized privately owned cameras in restricted areas will be reported promptly to the PMO.

c. The discovery of the loss of, tampering with, or compromise of any classified material, will be promptly reported to the CG via the PMO.

5008. SCAVENGING IN TRASH CONTAINERS/DUMPSTERS. Scavenging in trash containers and or trash dumpsters for recyclable materials is prohibited. All personnel are required to use the recycle material containers provided to dispose of recyclable materials.

LAW ENFORCEMENT REGULATIONS

CHAPTER 6

SOLICITOR CONTROL

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LAW ENFORCEMENT REGULATIONS

CHAPTER 6

SOLICITOR CONTROL

6000. GENERAL. It is MCRD, San Diego's policy to safeguard and promote the welfare of our personnel as consumers by providing a uniform approach to the conduct of all personal and commercial solicitation on the Depot and to provide consumer protection standards.

1. No person has the authority to enter MCRD and transact personal or commercial solicitation as a matter of right.
2. A maximum of two agents may be authorized to represent any one firm, company or organization at one time on the Depot.
3. Members of military families living in family housing who conduct limited home enterprises such as handicrafts, childcare, and retail sale of products within their quarters, are subject to the policy and procedural guidelines of this Manual.
4. All personal or commercial solicitation on the Depot are subject to the provisions of this Manual. A copy of Appendix A and B of this Manual, when appropriate, will be provided to all persons conducting commercial activities on the Depot. Authorized solicitors shall be advised that any violation of the regulations will result in withdrawal of solicitation privileges.
5. Any endorsement or appearance of endorsement of any solicitor by the Depot, any command, military organization, or department aboard the Depot is strictly prohibited.

6001. QUALIFICATION FOR SOLICITATION. Subject to the limitations indicated in paragraph 6000 above, solicitation may be permitted aboard MCRD, San Diego only when the following conditions are met and verified by the Office of the SJA:

1. The solicitor must be duly licensed with the State of California and comply with Depot regulations regarding registration and pass control.
2. Solicitors must indicate in writing that they have received a copy of Appendix A and that they understand and agree to comply with the provisions contained therein.
3. Agents dealing in insurance and/or securities must indicate in writing that they have received a copy of Appendix B and that they understand and agree to comply with the provisions contained therein.

4. All securities offered by solicitors aboard MCRD San Diego must be registered with the Securities and Exchange Commission.

5. Once the above conditions are met, the SJA will forward the request to the Depot Inspector. The Depot Inspector will coordinate with the Depot Chief of Staff on the issuance of a letter specifically authorizing solicitors to conduct business aboard MCRD San Diego. The solicitor will then be referred to PMO for a pass.

6002. PROCEDURES FOR SOLICITATION APPROVAL. The following procedures must be followed to receive authorization for solicitation aboard MCRD, San Diego.

1. Submit a written request to the CG, MCRD (Attn: SJA) to solicit aboard the Depot.

2. The SJA (Civil Law Officer), will review the request and send Appendix A and if appropriate, Appendix B to the requesting solicitor.

3. The requesting solicitor must sign the appropriate appendices verifying receipt for and understanding of the appendices and return the signed documents to the Civil Law Officer.

4. If the solicitor meets the standards outlined in this Manual and applicable orders, and returns the signed appendices, the Civil Law Officer will forward the package to the Depot Inspector. The Depot Inspector will draft the appropriate response to the solicitor. The CG will send an authorization letter to the solicitor giving permission to solicit aboard the Depot. If no expiration is specified, this authorization is effective for one year from the date of issue.

5. All signed appendices and authorization letters will be maintained on file at Depot Inspector's Office.

6. The solicitor must take the authorization letter to the Administrative Section of PMO, where a "Business Pass" will be issued. If no expiration is specified, the business pass is valid for one year from the date of the authorization letter. The Provost Marshal will maintain updated records of all business passes issued, expired, or revoked for a maximum period of two years from expiration or revocation.

6003. DEPOT PERSONNEL RESTRICTIONS. Per reference (i), all military and civilian personnel employed by DoD or any other civilian personnel employed aboard the Depot are strictly prohibited from:

1. Representing or assisting any securities or commercial life insurance company, representative, or agent in the solicitation and sale of their products aboard the Depot.
2. Assisting, aiding, or abetting any securities or commercial life insurance company, representative, or agent in violating the provision of this Manual.

6004. DENIAL OR WITHDRAWAL OF SOLICITATION PRIVILEGES. Per reference (j), the CG may withdraw or deny solicitation privileges when it is in the best interest of the command.

1. If it is determined that a solicitor has either violated a provision of Appendix A, Appendix B, this Manual or other lawful order, or for some other reason is ineligible to continue soliciting aboard the Depot, the authorization for solicitation will be revoked.
2. PMO will be immediately notified when an authorization has been revoked. PMO will then confiscate the solicitor's business pass.

6005. OFF-BASE MILITARY ENFORCEMENT. When off-base commercial solicitation by a company or its agents, who were denied Depot solicitation privileges, becomes a threat to the discipline, health, welfare, or morale of members of the Depot, the CG may direct action for off-base military enforcement under Armed Forces Disciplinary Control Board procedures contained in reference (k).

6006. EDUCATION PROGRAM. CO's are encouraged to make qualified personnel and facilities available for counseling for military members on loans, consumer credit transactions, and insurance matters to encourage thrift, financial responsibility, and sound financial planning.

1. Representatives of credit unions, banks and approved nonprofit military associations may be used to provide counseling to military personnel provided a commercial insurance company does not underwrite such associations. Under no circumstances will services of commercial agents, including loan, finance, insurance, or investment companies be used for these purposes.
2. The Navy Mutual Aid Association is an approved financial counselor and is a nonprofit, independent, self-insured military association, which is not commercially underwritten or affiliated.

LAW ENFORCEMENT REGULATIONS

CHAPTER 7

CONTROL OF FIREARMS, DANGEROUS WEAPONS, AMMUNITION,
EXPLOSIVES AND PYROTECHNICS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 7

CONTROL OF FIREARMS, DANGEROUS WEAPONS, AMMUNITION, EXPLOSIVES AND PYROTECHNICS

7000. GENERAL. To provide a safe environment for all personnel, the following policy and procedures concerning the control of firearms, dangerous weapons, ammunition, explosives and pyrotechnics aboard MCRD, San Diego are established.

7001. JURISDICTION. All persons, military or civilian, assigned to or visiting the Depot are subject to this Manual and to federal and state law pertaining to firearms, dangerous weapons, ammunition and explosives. Violations of this Manual may be punishable under the UCMJ or applicable state and federal laws.

7002. DEFINITIONS

1. Firearm. A firearm is any weapon from which a projectile is expelled by force of explosion, air pressure, CO₂ pressure or spring action. This includes, but is not limited to, all rifles, pistols, shotguns and "BB" or pellet guns.

2. Dangerous Weapon. A dangerous weapon is any object that is specifically designed for the purpose of inflicting death or grievous bodily harm or, because of its inherent characteristics is capable of inflicting death or grievous bodily harm. This includes, but is not limited to firearms, bows and arrows, slingshots or any object capable of expelling a projectile with sufficient force to inflict grievous bodily harm, folding or sheathed knives with blades longer than three inches designed to be carried upon the person, fighting implements associated with martial arts, and clubs or batons designed or altered to be used as weapons.

3. Prohibited Weapons. The sale or possession of any of the below listed items aboard the Depot is specifically prohibited;

- a. Any firearm that is not immediately recognizable as a firearm.
- b. Any instrument commonly known as a blackjack, billy club, nunchaku, sandclub, or sandbag.
- c. Any explosive ordnance.
- d. A straight razor carried on a person or maintained away from toilet articles and/or other grooming apparatus.

7003. CONTROL OF FIREARMS, DANGEROUS WEAPONS AND AMMUNITION. All individuals aboard the Depot, except law enforcement or guard personnel in the performance of their official duties, will adhere to the following procedures regarding introduction, storage, transportation, discharge, transfer, or removal of firearms, dangerous weapons and ammunition aboard the Depot.

1. Disclosure of Dangerous Weapons. Any person bringing a dangerous weapon aboard the Depot shall notify the MP at the gate that they are in possession of a dangerous weapon.

2. Registration of Firearms and Dangerous Weapons. Individuals will register all firearms and any other dangerous weapon with PMO immediately upon introduction to the Depot as follows.

a. During business hours MP will direct the person to the Vehicle Registration Office, Building 614, to register their weapon(s). After registration is complete, owners residing in the BOQ/BEQ will store the weapon(s) in the Depot Armory, Building 615. (See paragraph 7003.4 for storage requirements)

b. After hours and on weekends and holidays, MP will refer persons with weapon(s) to the MP Desk Sergeant, where the person's name, rank, social security number and the make, model and serial number of the weapon(s) will be recorded. The weapon(s) will then be stored in the PMO armory until the next working day when the owner will register the weapon at the Vehicle Registration Office and store the weapon in the Depot Armory. Those persons reporting aboard MCRD San Diego for duty will leave their weapon(s) in the PMO armory until they are assigned to a unit.

3. Transportation of Firearms, Dangerous Weapons, and Ammunition

a. No person shall carry on or about their person any firearm or other dangerous weapon concealed from view, except when authorized in the performance of official duty. "On or about" means that the weapon is carried by a person or kept within the person's reach.

b. Other than when authorized in the performance of official duty, no person shall carry on or about their person or within their vehicle any loaded firearm. A firearm is deemed to be "loaded" when there is an unexpended cartridge or shell in, or attached in any manner to, the firearm. This includes, but is not limited to, a cartridge or shell that is in the firing chamber, the magazine, or a clip that is attached to or inserted in the firearm.

c. Other than when authorized in the performance of official duty, individuals transporting firearms or other dangerous weapons aboard the Depot must place the weapons inside the trunk of their vehicle. If a

vehicle does not have a trunk, then the weapon may be transported in the passenger compartment, provided that the weapon is not within reach of the driver. All firearms must be unloaded at the time of transportation. Ammunition must be transported in a sealed package or container separate from the weapon.

4. Storage of Firearms, Dangerous Weapons, and Ammunition

a. Military Family Housing. All personnel residing in military family housing who desire to store firearms or other dangerous weapons in their respective quarters will register all such weapons with the PMO per paragraph 7003.2 prior to such storage. A completed copy of the registration form will be used as a permit for such retention and will be stored with the weapon at all times. Ammunition for registered weapons may also be stored in quarters. All firearms, dangerous weapons and ammunition will be made inaccessible to minors or disassembled to render them inoperable.

b. BEQ or Bachelor Officers Quarters (BOQ). At no time shall firearms, dangerous weapons, or ammunition be allowed within the barracks or BOQ aboard the Depot, unless required in the performance of official duties. The Depot Armory is designated as the only acceptable storage space for firearms, dangerous weapons, and ammunition possessed by personnel residing in these areas. Such firearms or other dangerous weapons must be registered with PMO before being stored in the appropriate armory. Persons who check their weapons out of their unit armory for use over a weekend or in the evening will not store their weapon(s) in the BEQ/BOQ or in their vehicles. When aboard the Depot, the weapon(s) will be temporarily stored in the PMO Armory, which is open 24 hours a day, seven days a week.

5. Discharge of Firearms, Dangerous Weapons and Ammunition. Firearms, dangerous weapons, or ammunition will not be discharged on the Depot except when authorized in designated areas.

7004. ALTERING OR REMOVING IDENTIFYING MARKS OR NUMBERS. No individual will alter or remove any identifying mark or number from any firearm or other dangerous weapon in their possession, nor will any individual possess any weapon that has been so altered.

7005. GOVERNMENT WEAPONS. At no time will government firearms, weapons or ammunition be taken to or stored in private living quarters (housing, BEQ/BOQ, etc.), except in the performance of official government business. Such weapons may be removed from the Depot only when authorized by the cognizant unit commander.

7006. SALE, LEASE, TRANSFER AND REMOVAL. Individuals who sell, lease, or transfer possession of any firearm or other dangerous weapon aboard the Depot will report the transfer to PMO immediately, and all such transactions will comply with all applicable state and federal laws. If the weapon is to be kept aboard the Depot by the transferee, that person must conform to the provisions of this Manual. Individuals will deregister all firearms and dangerous weapons when permanently removed from the Depot. Deregistration will be done immediately by the registered owner. Deregistration must be done in person at PMO; postal or telephone deregistration attempts will not be accepted.

7007. EXPLOSIVES, FIREWORKS AND PYROTECHNICS. Introduction, possession and use of explosives, fireworks, or pyrotechnics aboard the Depot are prohibited except when required in the performance of official duties. Such items may not be stored in the BEQ/BOQ, or within military family housing.

7008. CHEMICAL IRRITANTS. The introduction, possession and use of mace, tear gas, pepper spray and all other chemical irritants aboard the Depot is permitted provided the weapon is registered with the Provost Marshal and the owner completes any prescribed safety course as determined by the Provost Marshal. The owner must comply with the below summary of California Penal Code Section 12400, et seq:

1. The owner may not have been convicted of a felony crime involving an assault;
2. The owner may not be addicted to any narcotic drug;
3. Minors shall not purchase, possess, or use tear gas weapons;
4. The chemical must be an aerosol type container and not more than 2.5 ounces in weight;
5. The chemical must be used for self-defense only.

7009. FEDERAL AND CIVIL AGENTS. Federal, state, and municipal law enforcement personnel engaged in the performance of duties are exempt from the restrictions and procedures contained in paragraph 7003 and are permitted to retain their weapons while aboard the Depot.

7010. CONFISCATION. Items found in violation of this Manual or state/federal laws shall be confiscated and disposed of in the best interest of the U.S. Government. The Provost Marshal or his representative is authorized to impound the following:

1. Any prohibited weapon, or any weapon not registered or maintained per this Manual.
2. Any weapon or object, which has been used as a weapon in an unlawful manner.
3. Disposition of or Unclaimed Weapons
 - a. Privately owned weapons impounded may be recovered by the owner upon proper registration with the PMO.
 - b. Confiscated weapons, other than firearms, will be disposed of per current directives.
 - c. Weapons confiscated will be retained by MPI until such time as they are no longer required as evidence. Final disposition of these weapons will be as directed by the AC/S, SJA per reference (e).

LAW ENFORCEMENT REGULATIONS

CHAPTER 8

CONTROL OF PETS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 8

CONTROL OF PETS

8000. SAN DIEGO COUNTY ORDINANCE. Persons desiring to keep dogs aboard MCRD San Diego must comply with Chapter 6 of Division 2 of Title 6, San Diego County Code and the provisions of this Manual.

8001. DOG LICENSING REQUIREMENTS. All dogs over four months old must be licensed with San Diego County Animal Control. The license tags provided by San Diego County must be with the dog at all times.

8002. AREAS RESTRICTED TO ANIMALS. No animal, except MP Working Dogs in the performance of official duties, the Depot Mascot and seeing eye dogs, shall be allowed in the Depot dispensary, BOQ's/BEQ's, clubs, dining facilities, exchange activities, swimming pool, gymnasium, any area where food is prepared or stored, theaters, or office buildings.

8003. STRAY DOGS. All stray dogs will be turned over to the San Diego County Animal Shelter. Licensed strays that are not recovered by their owners within five working days (three working days for unlicensed strays) will be put up for adoption or destroyed.

8004. DANGEROUS ANIMALS

1. A dangerous animal is any animal which:

a. Has twice, within a 48-month period, attacked, bitten, or otherwise caused injury to a person engaged in lawful activity.

b. Has once attacked, bitten, or otherwise caused injury to a person engaged in lawful activity, resulting in death or substantial injury.

c. Has been declared a "Vicious" or "Dangerous" animal by the San Diego County, Department of Animal Control or the Provost Marshal.

2. When an animal has been determined to be dangerous, the owner will be notified and the animal will be permanently removed from the Depot.

8005. ANIMAL BITE CASES. All cases of animal bites will be reported immediately to the Provost Marshal. If a person or pet is bitten by a stray

animal, the animal, if found, will be impounded by PMO and turned over to the San Diego County Animal Shelter.

8006. QUARANTINE. San Diego County Department of Animal Control personnel will determine whether an animal that has bitten a person or other animal will be quarantined by the owner or impounded and quarantined by the County or authorized veterinarian. During quarantine, the animal will be isolated in an enclosure that will prevent contact with persons or other animals.

8007. OWNER RESPONSIBILITY. It is the responsibility of all owners of animals to prevent them from becoming a public nuisance. When animals are reported to the Provost Marshal as public nuisances, the report will be investigated, and if substantiated, the owner will be ordered to remove the animal from the Depot.

8008. DEAD ANIMAL DISPOSAL. The disposal of dead animals is the responsibility of the owner. If an animal is accidentally killed or found dead, the owner should be notified. If the animal is a stray or cannot be identified, a report will be made to PMO. If the Provost Marshal cannot establish ownership, the animal will be surrendered to the San Diego County Animal Shelter for disposal. If an animal is suspected of having died from a disease, particularly rabies, the San Diego County Animal Shelter will be consulted for instructions prior to disposal.

8009. LEASH REGULATIONS. When a dog is beyond the premise of the owner it will be attended and fastened to a leash not to exceed six feet in length. The premise of personnel living aboard the Depot is construed to be that portion of a yard that is the assigned responsibility for care and maintenance of the person concerned. Beyond the limits of the housing area, working and hunting dogs may be used without a leash when attended, and in voice control, by the owner/handler and when in a prescribed area for the purpose of the animal's function.

8010. COMPLAINTS. Animal owners who fail to comply with the provisions of this Manual will be issued a letter from the Provost Marshal (Figure 8-1). Three complaints/violations will result in the removal of the animal from the Depot.

LAW ENFORCEMENT REGULATIONS

UNITED STATES MARINE CORPS
Office of the Provost Marshal
4200 Belleau Avenue
MCRD San Diego, CA 92140

5500
C5

From: Provost Marshal, Marine Corps Recruit Depot/Western Recruiting
Region, San Diego, Ca

To:

Subj: COMPLAINT OF ANIMAL/PET VIOLATION

Ref: (a) DepO P5400.29C

1. Per the reference, the owner is responsible for registration, care,
and control of animals/pets.

2. On _____ a complaint was registered with the Provost Marshal
in that:

3. This is the _____ complaint against the above animal/pet.

_____ Additional complaint(s) will require that you remove the above
animal/pet from the Depot.

_____ You are hereby directed to immediately remove the above animal/pet
from MCRD, San Diego.

//s//

Copy to:
CO, (Unit)

Figure 8-1.--Complaint of Animal/Pet Violation.

LAW ENFORCEMENT REGULATIONS

CHAPTER 9

DEMONSTRATIONS AND DISTRIBUTION OF WRITTEN MATERIAL

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LAW ENFORCEMENT REGULATIONS

CHAPTER 9

DEMONSTRATIONS AND DISTRIBUTION OF WRITTEN MATERIAL

9000. GENERAL. This chapter regulates the conduct of persons engaging in the distribution of printed or written materials aboard MCRD San Diego and participation in demonstrations on and off base. In this regard, individual rights to free speech and peaceful assembly under the First Amendment of the United States Constitution will be preserved to the maximum extent possible, consistent with preserving the good order and discipline of the Marine Corps and national security.

9001. DEFINITIONS

1. Demonstration. A public expression of individual or group opinions. Demonstrations may take the form of picketing, sit-ins, protest marches and rallies.
2. Sit-In. A demonstration at which persons promote a particular issue by sitting in, lying in, or otherwise occupying some area and refusing to move.
3. Protest March. A demonstration at which persons promote a particular issue by marching in groups.
4. Rally. A demonstration taking the form of a large gathering of persons which is organized to promote or discuss a particular cause.
5. Distribution. The physical transfer or conveyance of some tangible object.
6. Printed or written material. Any communication fixed in a tangible medium of expression.

9002. DISTRIBUTION OF PRINTED OR WRITTEN MATERIAL

1. The distribution of any printed or written material on MCRD which is determined by the CG's representative (Provost Marshal) to present a clear danger to the loyalty, discipline, or morale of military personnel, or mission of the Depot or to the Marine Corps, is prohibited.
2. Except for publications distributed through official outlets, such as the Marine Corps Exchange and the Depot library, the distribution of any printed or written material on MCRD, to include commercial solicitations and petitions, is prohibited unless prior approval is obtained per paragraph 9004 of this Manual.

3. Printed or written material which is prohibited from distribution under paragraph 9002.1, or not approved per paragraph 9004, shall be impounded if the Provost Marshal determines it is likely an attempt will be made to distribute the material. The mere possession of unauthorized printed material is not prohibited.

9003. DEMONSTRATIONS

1. Demonstrations conducted on MCRD, which could result in interference with or prevention of, the orderly accomplishment of the mission of the Depot, constitute a breach of law and order, are likely to result in violence or present a clear danger to the loyalty, discipline, or morale of Depot military personnel, are prohibited.
2. No on-Depot demonstrations shall be conducted without prior approval of the CG's representative (Provost Marshal).
3. Active duty and reserve personnel are prohibited from participating in off-base demonstrations when they are on duty; when their activities constitute a breach of law and order; when violence is likely to result; when they are in uniform; or when actively participating in demonstrations for organizations that espouse supremacist causes, attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin, advocate the illegal use of force or violence, or otherwise engage in efforts to deprive individuals of their civil rights.
4. The use of Depot facilities for any partisan political activity is prohibited.

9004. PROCEDURE FOR APPROVAL TO DISTRIBUTE PRINTED OR WRITTEN MATERIALS OR FOR DEMONSTRATIONS

1. Persons desiring to distribute noncommercial printed or written material or demonstrate, must submit a written request to:

Commanding General
(Attn: PAO)
Marine Corps Recruit Depot/Western Recruiting Region
1600 Henderson Avenue #120
San Diego, California 92140

2. The request must state the date, time, place, purpose, name of those sponsoring the activity, that the activity does not discriminate on the basis of race, creed, color, national origin, sex, or religion.

3. The PAO will respond in writing within seven working days of receipt of the request. If there is any doubt as to whether a particular request should be granted or denied, the request will be forwarded for review to the SJA, MCRD San Diego.

4. Approval of a request by the CG's representative (PAO) does not constitute approval of the Marine Corps or this command of the content of any printed or written material for which permission to distribute is granted. Persons distributing printed or written material or participating in a demonstration remain subject to prosecution for any criminal violations contained in those materials or arising from the demonstration.

5. Per reference (j), no person has authority to enter this installation and transact commercial solicitation as a matter of right. Persons desiring to distribute printed or written materials of a commercial nature must follow the provisions set forth in Chapter 6 of this Manual.

6. Appeals. Any person denied approval by the PAO for a particular activity, may appeal in writing within 10 working days of the date of denial of the application to:

Commanding General
(Attn: SJA)
Marine Corps Recruit Depot/Western Recruiting Region
3700 Chosin Avenue
San Diego, California 92140

9005. REDRESS OF GRIEVANCES. No one shall enter or remain on the Depot for any purpose prohibited by this Manual. Such entry constitutes a violation of Section 1382, Title 18, United States Code, which provides that "whoever, within the jurisdiction of the United States, goes upon any military . . . reservation, . . . for any purpose prohibited by law or lawful regulation shall be fined under this title or imprisoned for not more than six months, or both."

LAW ENFORCEMENT REGULATIONS

CHAPTER 10

FINGERPRINTING OF SUSPECTS

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FIGURE

10-1 REPORT OF COMMAND ACTION	10-5
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LAW ENFORCEMENT REGULATIONS

CHAPTER 10

FINGERPRINTING OF SUSPECTS

10000. GENERAL. Reference (m) requires that all DON security and law enforcement organizations submit fingerprint identification cards and follow-on adjudication reports for all persons identified by the aforementioned organizations who are suspected of committing violations of the UCMJ, United States Codes, or State laws which are listed in reference (m).

10001. OBJECTIVE. The FBI, under the Department of Justice, maintains statistical crime information and is the central storage facility for criminal identification fingerprints. Compliance with reference (m) will ensure DON personnel suspected of committing the listed violations of the law, and those convicted of the listed violations, are statistically represented. Compliance will ensure the proper identification of criminals within the Marine Corps and DON.

10002. POLICY

1. MP aboard MCRD, San Diego will, upon the apprehension or identification of a suspect, obtain fingerprints from that suspect on the FBI Record Fingerprint Card (FD-249). These fingerprint cards will be forwarded to NCIS, who will act as the Marine Corps facilitator, and will forward the cards to the FBI for entry into their data files.
2. Concurrently, MP will prepare a FBI Final Disposition Report (R-84). Upon notification from the suspect's command, MP will annotate the adjudicative or administrative action taken against the suspect on the Final Disposition Report, and forward the report to the FBI.
3. Commanders are responsible for notifying the Provost Marshal with the results of adjudicative or administrative action taken against the suspect for the offense(s), or the lack of any action taken against the suspect. The report must include the following information: Date of action, type of action, and awarded punishment. Figure 10-1 is provided as a sample format for notification to the Provost Marshal. The adjudication report from commanders must be made pursuant to an offense reported to, initiated by, or investigated by members of the PMO.

10003. ACTION

1. MP are responsible for obtaining suspect fingerprints on the FBI Suspect Fingerprint Card (FD-249) and the preparation of the Final Disposition Report (R-84).
2. Commanders are responsible for the notification to the Provost Marshal of command action taken against suspects.
3. The PMO is responsible for forwarding the FD-249 and R-84 to the FBI via NCIS.
4. All MP shall be knowledgeable of the policies and procedures required for completion of the FD-249 and R-84.

LAW ENFORCEMENT REGULATIONS

From: Commanding Officer, HQSVCBN
To: Provost Marshal

Subj: REQUEST FOR REPORT OF ADJUDICATION

Ref: (a) MCO P5580.2
(b) Memorandum from Head, Military Police and Physical Security
Section, Headquarters, U. S. Marine Corps/10AUG95
(c) Military Police Investigations Report or Incident Complaint
Report, _____ CCN: 00M3400100000

1. Per references (a) and (b), reference (c) reflects a resolved investigation or incident, the subject of which is a member of this command and is submitted as required.

On _____ (date), _____ was the recipient of the following action.

Court

Martial: _____ Type: _____ Awarded: _____

NJP: _____ Type: _____ Awarded: _____

Other: _____ Explain: _____

No Action: _____

Print Name & Title

Signature and date

Figure 10-1.--Sample Report of Command Action.

LAW ENFORCEMENT REGULATIONS

APPENDIX A

PRIVATE COMMERCIAL SOLICITATION ON MCRD SAN DIEGO

A. SOLICITATION OF DOD PERSONNEL AND THEIR MILITARY FAMILY MEMBERS IS PERMITTED ONLY WHEN:

1. The CG, MCRD San Diego has specifically authorized solicitation in writing. Solicitation will be conducted on an individual basis by specific prior appointment in family quarters. When establishing the appointment, agents must identify themselves to the prospective purchaser as an agent for a specific company.
2. The agent has complied with local base registration procedures, the provisions of this instruction and is licensed in the State of California.

B. PROHIBITED SOLICITATION PRACTICES

1. Solicitation of personnel while in a "mass" or "captive" audience aboard the Depot.
2. Making appointments with or soliciting military personnel who are in an "on-duty" status.
3. Soliciting without appointment in any area aboard MCRD, including all billeting and housing areas.
4. Use of official ID, vehicle stickers or passes by retired or reserve members of the armed forces to gain access to the Depot for the purpose of soliciting.
5. Procuring or supplying, or attempting to procure or supply roster listings of DON personnel for the purpose of commercial solicitation, except pursuant to procedures implementing the Freedom of Information Act.
6. The offering of unfair, improper or deceptive inducements to purchase or trade.
7. Practices involving rebates to facilitate transactions or to eliminate competition. Credit union interest refunds to borrowers are not considered a prohibited rebate.

LAW ENFORCEMENT REGULATIONS

8. The use of any manipulative, deceptive or fraudulent device, scheme or artifice, including misleading advertising and sales literature.
9. Using oral or written representations to suggest or give the appearance that DOD or DON sponsors or endorses any particular company, its agents, or the goods, services and commodities it sells.
10. The entry into any unauthorized or restricted area.
11. Solicitation by a military member of another military member who is junior in rank or grade, whether on or off duty, in or out of uniform, on or off the Depot at any time, except as permitted in 5 Code of Federal Regulations, Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, and DoD Instruction 5500.7-R, DOD Joint Ethics Regulations.
12. Using any portion of Depot facilities, including quarters, as a showroom or store for the sale of goods or services. This does not preclude private home enterprise sales as described under paragraph 6006 of DepO P5400.29C.
13. Soliciting door-to-door.
14. Advertising addresses or telephone numbers of commercial sales activities conducted on the Depot, except for authorized activities conducted by members of military families residing in family housing.

LAW ENFORCEMENT REGULATIONS

APPENDIX B

LIFE INSURANCE PRODUCTS AND SECURITIES

A. PROHIBITED PRACTICES. The practices outlined in Appendix A of this Manual and the following practices are prohibited with specific reference to the sale of insurance and securities.

1. DoD personnel representing an insurance company, or dealing directly or indirectly with any insurance company or any recognized representative of an insurance company as an agent, or in any official or business capacity, for the solicitation of insurance to personnel on MCRD, San Diego.
2. Agents assuming or using titles such as "Company Insurance Counselor", "Unit Insurance Advisor", "SGLI Conversion Consultant" etc., which can give rise to an inference of government or unit approval.
3. The assignment or use of office or desk space for an interview for other than a specified, prearranged appointment. During prearranged appointments, the agent will not display desk or other signs announcing name or company affiliation.
4. The use of Depot Bulletins, the Plan of the Day, or any other notice, official or unofficial announcing the presence of agents and their availability.
5. The distribution, or availability for distribution, of literature or advertisement materials other than to the person being interviewed.

B. LIFE INSURANCE POLICY CONTENT PREREQUISITES

1. Insurance products, other than certificates or other evidence of insurance issued by a self-insured association, offered and sold to personnel on MCRD, San Diego must:
 - a. Comply with the insurance laws of the State of California and the procedural requirements of the Depot;

LAW ENFORCEMENT REGULATIONS

b. Contain no restriction by reason of military service or military occupational specialty for the insured, unless such restrictions are clearly indicated on the face of the contract;

c. Plainly indicate any extra premium charges imposed by reason of military service or military occupational specialty;

d. Contain no variation in the amount of death benefit or premium based on the length of time the contract has been in force, unless all such variations are clearly described therein.

2. For the purpose of paragraphs 2, 3, and 4 above, an appropriate reference stamped on the face of the contract shall draw the attention of the policyholder to any extra premium charges and any variation in the amount of death benefit or premium based on the length of time the contract has been in force.

3. Premiums must reflect only the actual premiums payable for the life insurance product.

4. Variable life insurance products may be offered provided they meet the criteria of the appropriate insurance regulatory agency and the Securities and Exchange Commission.

C. SALE OF SECURITIES

1. All securities must be registered with the SEC.

2. All sales of securities must comply with existing and appropriate SEC regulations.

3. All securities representatives must apply to the CG, MCRD, San Diego (Attn: SJA) if they desire to solicit the sale of securities on the Depot.

LAW ENFORCEMENT REGULATIONS

APPENDIX C

PROCEDURAL GUIDE FOR DEPOT MAGISTRATES

The Magistrate will ensure that all matters brought before the Magistrate will be conducted with the following guide.

Magistrate (Call to Order) **Court will come to order. The first (or next as appropriate) case is that of _____.**

Will you please come forward?

(Note:) If the defendant fails to appear, the Magistrate may consider and base his findings of guilty on the traffic citation solely in conjunction with the accompanying written reports, if any. If the defendant fails to appear, proceed to assess points/suspension or revocation as appropriate.

(Detailing) (Defendant) _____, my name is _____. I have been appointed as the Depot Traffic Magistrate by the CG, MCRD, San Diego, California.

(Purpose) The purpose of this hearing is two-fold. First, to determine whether or not a violation(s) of law and/or regulation relating to the registration and operation of motor vehicles aboard the MCRD has occurred; and, secondly, to take appropriate remedial measures if a violation(s) has occurred.

(Powers) You should be aware that I have the power to assess points against your Depot driving record and/or suspend or revoke your on-base driving privileges. Points against your driving record are assessed per DepO 5400.29C.

(Nature of Proceedings) These proceedings are not punitive and I cannot impose forfeitures, fines, restriction, or any other office hours punishment; however, this hearing does not prevent your CO from taking disciplinary action against you, if they deem it appropriate.

(Rights) Now, I'd like to go over your rights at this hearing:

1) You have the right to be present at all proceedings before the Depot Traffic Court Magistrate involving your case. By your presence, I'm assuming you desire to exercise that right.

LAW ENFORCEMENT REGULATIONS

2) You have the right to present evidence and call witnesses, if the evidence and witnesses are reasonably available.

3) You have the right to remain silent. That is, to make no statement at all.

4) You have the right to confront the witnesses against you, if these witnesses are reasonably available. In most cases, those witnesses are the Military Police Officers who issued your citation. Since most cases are disposed of without the need for the Military Police Officers, they have not been called to appear. If necessary, and reasonably available, the Military Police Officers will be called to testify.

5) You have the right to be represented by a lawyer, but the government will not provide that lawyer. You must hire and pay for your own lawyer.

6) You have the right to request a private hearing. When there is good cause shown, that request will be granted.

7) You have the right to appeal my decision, if you so desire, to the CG.

8) You also have the right to request a limited reinstatement of your driving privileges if these privileges are suspended or revoked.

9) The formal rules of evidence do not apply. (Defendant), do you understand these rights?

Defendant:----- (Defendant's Response) .

Magistrate:-----Are there any rights that you want me to repeat or explain further?

Defendant:----- (Defendants Response) .

Magistrate:-----Very well.

Magistrate (Statement of Charge(s)):----- (Defendant)
(Name) _____, you are charged with (state violation(s)).

LAW ENFORCEMENT REGULATIONS

(Explanation of Please):-----In a moment, I'll ask you how you plead to the charge, but before I do, I want to explain your options.

1) You may plead guilty, and thereby admit that you, in fact, committed the alleged violation;

2) You may plead guilty with an explanation. In that case, you will be admitting that you, in fact, committed the alleged violation, but in addition you may offer up an explanation of how the offense occurred, even though your explanation is not a legal defense to the charge;

3) You may plead not guilty. In that case, the government must show, by a preponderance of evidence that the offense(s) occurred and were/was committed by you.

Magistrate:-----Do you understand the three plea options you have?

Defendant:----- (Defendant's Response)

Magistrate:-----How do you plead to the charge? (If the defendant has retained a civilian attorney, contact the SJA for appointment of a military attorney to represent the government.)

Defendant:----- (Plea) ----- (Defendant's Response)

(If guilty, continue)

Magistrate:-----Very well, tell me briefly what happened.

Defendant:----- (Defendant's statement of offense)

Magistrate:----- (Defendant), I accept your plea of guilty, and find you guilty.

LAW ENFORCEMENT REGULATIONS

Magistrate:----- (Defendant) ,
I'm about to determine what the appropriate remedial measures are in
your case. As I mentioned earlier, I am empowered to assess points
against your Depot driving record and/or revoke or suspend your on-
base driving privileges. Before I make my decision, I will give you
the opportunity to make any statement or present any evidence, which
you think I should consider in deciding on an appropriate remedial
measure in your case. Do you have anything you'd like to say or
present?-----

(If not guilty with an explanation continue)

Defendant:----- (Plea) ----- "Guilty with
an explanation"

Magistrate:----- Very well,
tell me briefly what happened and what is your explanation?

Defendant:----- (Defendant's
Explanation) .

Magistrate:----- (Defendant) ,
I accept your plea and find you guilty, and will consider your
explanation.

Defendant:----- (Defendant) ,
I'm about to determine what the appropriate remedial measures are in
your case. As I mentioned earlier, I am empowered to assess points
against your Depot driving record and/or revoke or suspend your on-
base driving privileges. Before I make my decision, I will give you
the opportunity to make any statement or present any evidence, which
you think I should consider in deciding on an appropriate remedial
measure in your case. Do you have anything you'd like to say or
present?-----

(If not guilty)

Defendant:----- (Plea) ----- "Not guilty"

Magistrate:----- Very well.
As I mentioned earlier, you have the right to confront the witness
against you, if they are reasonably available. In this case the
witness(es) is/are are _____, _____, and _____. I
will consider the statement(s) of _____, _____, and _____

LAW ENFORCEMENT REGULATIONS

_____ contained in the citation issued (and accompanying documents) and then allow you to present any evidence you have. You may also read their statement(s). If you feel that there are reasons to have those witnesses appear in person, you may ask for them. I will also consider the following government evidence: _____, _____, and _____. Do you wish to have _____, _____, and _____ personally appear to testify?

(In the majority of the not guilty cases, there will be a contradiction in the testimony of the arresting officer(s) and the defendant concerning the facts of the incident. All the witnesses should be called to the hearing so this issue concerning credibility can be resolved.)

Defendant:-----**(Defendant's response)**. (If yes, continue the case until the witnesses can be obtained.

If not reasonably available, explain to defendant, and proceed)

Magistrate:-----**(Defendant), do you have any evidence to present?**

Defendant:-----**(Defendant response)**.

Magistrate:-----**You may proceed.**

Defendant:-----**(Defendant's evidence/testimony)**

Magistrate:-----**Is there anything else you wish to present?**

Defendant:-----**(Dependent's response)**

Magistrate:-----**Very well, I find you (guilty) (not guilty) of (state the violation(s)).**

(If not guilty, excuse the individual)-----

(If guilty, continue)

LAW ENFORCEMENT REGULATIONS

Magistrate:----- (Defendant) ,
I'm about to determine what the appropriate remedial measures are in
your case. As I mentioned earlier, I am empowered to assess points
against your Depot driving record and/or revoke or suspend your on-
base driving privileges. Before I make my decision, I will give you
the opportunity to make any statement or present any evidence, which
you think I should consider in deciding on an appropriate remedial
measure in your case. Do you have anything you'd like to say or
present?

Defendant:----- (Defendant's
statement)

Magistrate:-----Very well.

Magistrate:----- (Defendant) ,
(here, state the sanction(s) imposed) .

Magistrate:----- (Explanation of Appeal Rights)-- Defendant, before
you are excused, I want to explain your appeal rights. You may
appeal my decision
to the CG, via your chain of command. Your appeal must be in writing
and submitted within ten days of today. The appeal must be addressed
to the CG, MCRD, San Diego, California, via the Provost Marshals
Office. If there is no appeal within ten days, my decision is final.

(If privileges are suspended or revoked)

Magistrate:----- You may also
request a limited reinstatement of your on-base driving privileges by
making such a request in writing, to the Commanding General, via your
chain of command. Such a request will be considered only when
revocation or suspension causes a truly extraordinary hardship or
interferes with military mission effectiveness.

Magistrate:-----Do you
understand your rights?

Defendant:----- (Defendant's
response)

Magistrate:----- (Adjournment) -----Very well, you
are excused.

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